



200 Years of the American Constitution

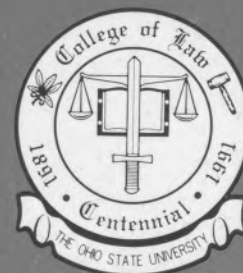
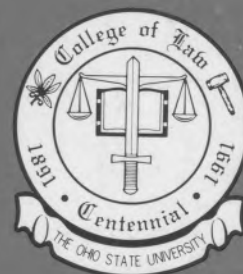
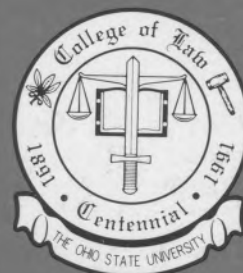
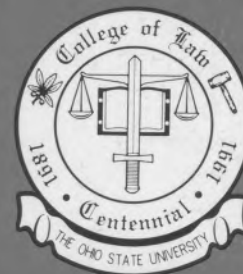


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COLLEGE OF LAW ALUMNI ASSOCIATION

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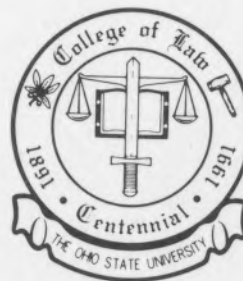


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About the cover: Dean Beytagh, left, as the federalist "Publius," and Capital University Interim President, Josiah H. Blackmore, '62, right, as the anti-federalist "Brutus", reenacted the ratification arguments of 1787 at Annual Return. See the story on page 10.

Looking Toward the 90's

An impressive hooding ceremony in mid-May capped off an eventful year for the College of Law. Justice Brennan's commencement address to our 200 or so graduates stressed the importance of public service by lawyers. That theme is one I would like to develop further at a later point in this piece. Let me first mention some of the other highlights of 1986-87.

We successfully completed an extensive national search for a new Director of the Law Library by hiring Alan Holoch, who joined us this June after five years in a similar capacity at Villanova. We have also employed a new Placement Director, Darlene Brown, who supervised placement at Ohio Northern for five years and joined us in August. A number of distinguished guests visited the law school this past year, several to participate in an expanded Law Forum Lecture Series which focused on "200 Years of American Constitutionalism." The faculty gave its imprimatur to the College's second legal journal—*The Ohio State Journal on Dispute Resolution*, and also rewrote and revised our promotion and tenure standards and procedures. Applications for admission to the College of Law increased for the first time in five years, by approximately seven percent. Publication of an upgraded law school bulletin and enhanced student recruitment activity played an important role in this regard.

The College's first endowed chair—the Drinko-Baker & Hostetler Chair—was fully funded and will be filled initially by one of our most distinguished senior faculty members, Bob Lynn. And the newly endowed Stanley Professorship in corporate law will be occupied by our most experienced tax teacher, Mike Rose. We are continuing our successful prelaw summer program in Oxford and initiated a new summer program

there for law students this year, supervised by Larry Herman.

Last but hardly least, the College of Law Centennial Campaign that we kicked off last September is progressing nicely. As of September 30, just over \$8 million has been committed. Approximately \$3 million of that is for our Law Building Addition and Renovation project. We thus still have \$4 million to go to reach our building project goal of \$7 million—which will trigger matching monies from

*We in the public law schools
have a greater opportunity to
achieve excellence than ever
before.*

University sources to fund the \$14.5 million undertaking. The campaign will continue throughout the 1987-88 academic year, during which most of our alumni and friends will be contacted. We hope to take the important step of selecting a project architect this winter. Under the timetable our campaign committee and I have sketched out, we anticipate groundbreaking in the spring of 1989, completion in the fall of 1991, and dedication during the 1991-92 academic year—as the centerpiece of our celebration of the law school's centennial. Continued success in our fundraising during the coming year is critical to our seeing this become a reality. Let's keep at it until we reach our goal, and make the coming year—1987-88—a banner one for the College of Law.

* * * * *

Turning to the topic mentioned earlier, I would like to share some thoughts with you about the situation of public law schools like Ohio State. Let us first reflect on some pertinent history. Ohio State is, of course, a public university,



Dean Francis X. Beytagh

and a land-grant institution at that. That imposes certain responsibilities on us and has important consequences, it seems to me, for what we aspire to be. First, we must be accessible to the public from which we derive our sustenance. Ohio residents have historically predominated in our student body. They should and predictably will continue to do so in future years, though not to the exclusion, for the sake of diversity, of a healthy mix of non-residents. Tuition should remain sufficiently low, and programs of financial assistance be comprehensive enough, so that we do not run a serious risk of in effect telling well-qualified applicants that they cannot afford to go to law school. We should at the same time continue to be very selective about whom we admit, at least during times when the number of applications far outstrips our capacity. Yet we should be sensitive to persons who might be disadvantaged and, for whatever reasons, not adequately represented in the legal profession. We must also serve Ohio employers well, while recognizing that the institution benefits from some heterogeneity in its student body and from a growing nationwide presence on the part of our graduates. We must be responsive to Ohio's needs as well through the availability of facilities, such as our outstanding collection of legal materials. Finally, while protecting academic freedom to the utmost, we should seek to direct much of our scholarly productivity to the discussion of public issues, and to support activities such as the fledgling *Journal on Dispute Resolution*, whose goals are entirely consonant with such a perspective.

We must also seek to ensure that our academic program in some significant respects serves the interests of Ohio and Ohioans.

We do this in considerable part by offering a balanced curriculum that prepares our students for a range of different law-related pursuits after graduation as well as to deal with legal questions that in these times are increasingly national and indeed international in scope. At the same time we serve the needs of those who may not later engage in large-firm practice by offering a set of clinical programs designed to prepare graduates for small-firm or individual practice. We respond to other important demands by developing and then utilizing expertise in certain legal fields related to Ohio and the needs of the State. Specialized masters degree programs, carefully tailored joint-degree programs, and refined activities in the continuing legal education area are all apt examples. There is yet more that we could, and in my view should, do in regard to service to the legal profession and the public generally.

There is much talk presently about rekindling the notion of "professionalism" among lawyers.

A leading example relates to training for public employment. Government jobs are not as fashionable presently as they have been at other times. Yet having competent lawyers serving in these positions remains vitally important to all of our citizens. Moreover, there is a growing danger of a fractionated legal profession, with a few "haves" and many "have nots." We may not be able to cope very effectively with long-term economic trends or shifts in public attitudes. But we can say to our students, through course offerings, externships, placement assistance, example and encouragement—and perhaps a post-law school program

of financial support in the early years after graduation—that legal jobs in the public sector are not only respectable, but offer valuable opportunities for public service for a number of our graduates. Few law schools located in state capitals have taken full advantage

And law schools supported in part with public funds should say to their students, loud and clear, that ours is a public profession, and that the legal system is not ours but, in a free society, the people's.

of the potential for constructive and productive relationships with state offices and agencies. Ohio State is no better or worse in this respect than our similarly situated counterparts. But this situation need not continue, especially as we see some reworking of power relationships in our complex federal system. We can and should do more, through cooperative programs involving larger numbers of students, greater faculty involvements, and some reshaping of our institutional capacity, to interrelate with the instrumentalities of State government. This thrust may seem more than a little discordant during a period when "privatization" is in vogue. Believe me, it is not, for privatizing in higher education inevitably means some restriction on access, along with some diminution of responsibility to the public whose land and buildings we occupy and whose needs we seek to serve.

There is much talk presently about rekindling the notion of

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"professionalism" among lawyers. Few would disagree that this is an important and timely matter for the legal profession to concern itself with. How to go about this task, however, is difficult and complex. There is a role for law schools, as indicated by several of the suggestions contained in the report of the ABA Commission on Professionalism last year. In this regard, there is perhaps a greater responsibility for public than private law schools. If at the heart of the professionalism issue is the question of how lawyers view themselves, law schools can probably make a contribution. And law schools supported in part with public funds should say to their students, loud and clear, that ours is a public profession, and that the legal system is not ours but, in a free society, the people's. We lawyers serve the public, first and foremost, not private gain or personal ends. Of course we do so in a variety of ways, most of us through the private practice of law, but the obligation still remains. We should develop and offer courses on the history of the legal profession. We should not equate professionalism with the minimum standards of legal ethics. We should stop relegating coverage of these matters largely to a required course taken grudgingly by students nearing graduation. And, while respecting our duty not to proselytize or pontificate, we must not shy away from engaging our students in a thoughtful inquiry into the values undergirding the legal system and the society in which we live.

For almost a century, American legal education was for the most part dominated by private law schools. Private schools still significantly outnumber public ones, though the public schools have been enrolling increasingly higher percentages of the total number of law students.

The privates remain valued joint venturers in the enterprise of legal education; considerations of pluralism and balance, along with continuity, stability, and tradition, strongly support their healthy coexistence with publics. Yet it is clear that the quality of public higher education has improved markedly in the past 25 years. At the same time, the differential in costs between public and private law schools has grown significantly. Capable students do have an option, in the face of five-figure tuition at private law schools. And we in the public law schools have a greater opportunity to achieve excellence than ever before. Some say that higher education in the 21st century will be dominated by public institutions. If so, public law schools can and should lead the way.

And, while respecting our duty not to proselytize or pontificate, we must not shy away from engaging our students in a thoughtful inquiry into the values undergirding the legal system and the society in which we live.

We must ensure that access to a good education is maintained and shape our academic program to serve the needs of the public generally. We can stress the lawyer as public servant and develop effective approaches in dealing with a diminished sense of professionalism. We cannot do it alone, of course. Our students pay only about one-third of the price tag for their legal education. And public funding falls considerably short of covering the difference. It is thus the public/private partnership exemplified by our centennial campaign that can and will constitute the margin of difference

between adequacy and excellence. This is actually nothing new for Ohio State. Henry Folsom Page, a Circleville lawyer, gave the University over \$200,000 in the 1890's, much of which was used to construct the law school's first permanent home, Page Hall. This is the brand of privatization that makes sense for public schools and the people we seek to serve.

Finally, while protecting academic freedom to the utmost, we should seek to direct much of our scholarly productivity to the discussion of public issues.

The College of Law will enter its second century of service to Ohio and the nation in 1991. Our newly completed building will provide us with an outstanding physical facility within which we can accomplish the things which we can and should do. Additional endowed chairs and professorships will permit us to attract and retain the most competent faculty members. A substantial law library endowment will enable us to maintain, indeed develop even further, one of the finest collections of legal materials in the country. As applications and enrollments fall off at a number of other schools, we can confidently expect to attract an able and diverse student body. Let's aim at making the 1990's the decade during which we achieve preeminence among America's best law schools. And let's do it as a public law school, with all that that concept connotes.

Honorary Degree to Justice Brennan



Trustee Hamilton J. Teaford presenting the doctoral hood to Justice Brennan

JUSTICE BRENNAN:

Thank you. President Jennings, Dean Beytagh, members of the Board of Trustees, members of the faculty, ladies and gentlemen, but particularly you graduates of the law school: I can't tell you what a very great privilege it is for my wife and me to meet with the families and friends of the Class of 1987 and warmly to congratulate the graduates on your achievement of this day.

If I were to ask you what particular memory you carry with you as you leave this fine law school, I would hope that most of you would answer that it's an appreciation of the enormous significance of the equality principle, in explaining the extraordinary success of our constitutional democracy. For that principle is the rock upon which our Constitution rests. Any defense of a constitutional democracy must begin with the equality principle, for the equality principle of our Constitution facilitates important social and economic change; it acts as the springboard for the realignment of unequal political forces toward economic and social equality. It nurtures social mobilization; it can activate a quiescent citizenry and it can recognize new and different forms of social organization. It is this principle of constitutional jurisprudence to which we gladly consented.

Consent to a rule of law implies a commitment to a set of shared moral values—a set of values that transcends the individual and that binds us to each other. In our society, it has historically been the courts that have interpreted and made acceptable this Rule of Law; the judicial pursuit of equality is, in my view, properly regarded to be the noblest mission of judges; it has been the primary task of judges since the repudiation of economic substantive due process as our central constitutional concern. This pursuit of shared moral values and their accurate translation in individual cases is what produced the United States Supreme Court decisions in *Brown v. Board of Education*, *Baker v. Carr* and *Gideon v. Wainwright*. We hear much these days of criticism that lawyers are abandoning their traditional role of protectors of the Rule of Law in favor of pursuit of the almighty buck.

May I ask you this? Have things really come around again to the situation that provoked Justice Stone to say of the legal profession in 1934 that "steadily the

Hooding. It is always a memorable occasion. But for the graduates of the Class of 1987 it will have particular significance. On that May day, in a year in which the United States Supreme Court loomed large in the minds of lawyers, one of her own, Senior Associate Justice William J. Brennan, joined 214 graduates in the receipt of an Ohio State degree. The University conferred upon Justice Brennan the honorary degree of Doctor of Laws. Justice Brennan then addressed the graduates and their families and friends.

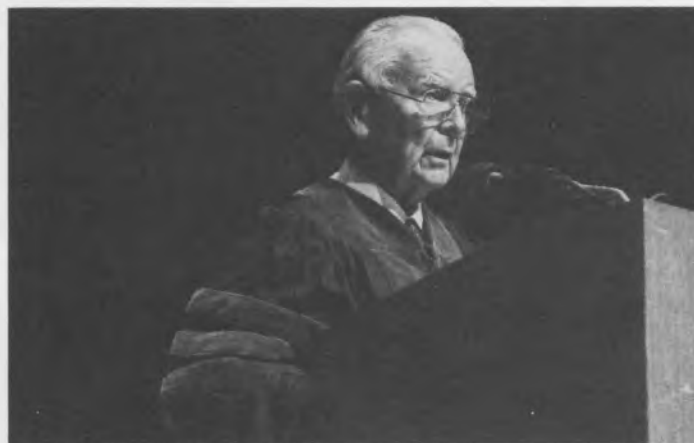
Dean Beytagh took great pleasure in introducing fellow Irish descendant Justice Brennan. The Dean warmly described the Justice as a man of good cheer and impeccable integrity who has sustained a lively interest in legal scholarship, despite the press of his responsibilities at the Supreme Court. He has been, recited Dean Beytagh, generous of his time, openly communicative about the Court, reflecting that the Court is, after all, "a public institution, a part of our governmental structure, not separate or removed from it." Dean Beytagh went on to praise Justice Brennan as a craftsman and a person of wisdom, possessing the hallmark of a great judge — a passion for justice. It was that passion, consistently opposing all forms of discrimination, recognizing the Constitution's "sparkling vision of the supremacy of the human dignity of every individual," that Justice Brennan addressed in his remarks, repeated in their entirety below.

best skill and capacity of the profession has been drawn into the exacting and highly specialized service of business and finance" with the consequence that "at its worst it has made the learned profession of an earlier day the obsequious servant of business and painted it with the morals and manners of the marketplace in its most antisocial manifestation."

I hope rather that the profession—practitioners and judges alike—still are concerned with providing freedom and equality of rights and opportunities, in a realistic and not formal sense, to all the people of this nation: justice, equal and practical, to the poor, to the members of minority groups, to the criminally accused, to the displaced persons of the technological revolution, to the alienated youth, to the urban masses, to the unrepresented consumers—to all, in short, who have not yet really fully partaken of the abundance of American life. But the task of strengthening the principle of equality is no task for the short-winded. Who will deny that despite the great progress we have made in recent decades toward universal equality, freedom and prosperity, the goal is far from won and ugly inequities continue to mar the national promise? Much surely remains to be done. None of us in the ministry of the law, whether teacher, practitioner, or judge, can deny that the law still tenaciously clings to the tradition that for so long isolated law from the boiling and difficult currents of life as life is lived. Increasingly, however, and fortunately, more of us recognize that law must come alive as a living process responsive to changing human needs. We must continue to recognize that that jurisprudence is best that constitutes "a recognition of human beings, as the most distinctive and most important feature of the universe which confronts our senses, and of the function of law as the historic means of guaranteeing that preeminence. In a scientific age, law should ask, in effect, what is the nature of man, and what is the nature of the universe with which he is confronted? Why is a human being important; what gives him dignity; what limits his freedom to do whatever he likes; what are his essential needs; whence comes his sense of injustice?"

But of late one has the uneasy feeling that the profession, including the courts, are slowing down in the pursuit of the quality principle. Because of burgeoning dockets, as has been said by Dean Redlich of New York University: "It seems that the standard fare for leading jurists in both the federal and state system is to bemoan the fact that too many issues are being brought before the courts, that they take too long to try, that discovery is abused, that judges are being asked to decide issues which no other country on earth would consider placing before a court, that the quality of the product has declined as the workload has increased, and that something must be done—either create another court, give us more judges, give the work to some other court, speed up the process, or, better still, take the matter out of the courts into some other system."

Why are so many more people pounding on our courthouse doors? The answer is, of course, that law suits don't emerge from a vacuum. It seems very clear to me that it is impossible meaningfully to discuss the litigation crisis without considering at the same time the twin revolutions in science and technology and in social expectations. For these have come together to create radical upheaval in American values and to generate vast new legislative and social conflict. And where do Americans turn for resolution of their differences? Why, of course, as always, they turn to the courts. We have been a legalistic society from the beginning, and to go to court is an ingrained habit in



Justice Brennan addressing graduates

our society. We place a premium on the value of dissent; not, as in other countries, upon the value of consensus. From our beginnings, governmental action that in other societies is exclusively the purview of administrators or legislators is, in America, subject also to judicial scrutiny. The diversity of our people, combined with their ingrained sense of justice and moral duty, has caused this society to frame urgent social, economic, and political questions in legal terms—to place great problems of social order in the hands of lawyers for their definition, and in the hands of judges for their ultimate resolution. The almost incredible intricacy and pervasiveness of the webbing of statutes, regulations and common law rules in this country which surrounds every contemporary social endeavor of consequence give lawyers and judges a peculiar advantage, as well as responsibility in coming to grips with our social problems. They alone—or so it sometimes seems—are charged by this society to penetrate directly and incisively to the core of a problem through the cloud of statutes, rules, regulations, and rulings which invariably obscure it to the lay eye. The society for this reason has come to believe that the lawyer and judge in America are uniquely situated to play a creative role in American social progress. Indeed, I would make bold to suggest that the responses of the profession, during my tenure on the bench for over 37 years, to the challenges of what was plainly a new era

of crisis and of promise in the life of the nation often proved decisive in determining the outcome of the social experiment on which the nation was embarked. We must remember, too, the great change in the identity of the consumers of justice in every one of the fifty states. Judge Bazelon noted: "For years the American justice system operated exclusively for those who were wealthy enough to afford it: even today, the difference in the quality of representation received by those who are rich and those who are poor is shocking. Criminal defense of the indigent is hopelessly inadequate much too often. Public interest organizations and legal services corporations held some promise for providing access to the courts for the poor in civil cases, but funding cutbacks are threatening even the small gains that have been made in this area."

"Nevertheless, some of the poor, the disadvantaged, the disenfranchised are taking their causes to court. The number of civil rights suits filed annually in the federal courts, excluding suits by prisoners, has grown more than fifty-fold since 1961. For nearly two hundred years of this nation's history, few blacks, hispanics or asian-Americans, to name only a few of the victims of oppression, would have thought of taking their claims to court; they knew they would receive at best an inadequate hearing there. But today, the expectations of the disadvantaged, as well, we hope, as the sensitivity of our society to their plight, have been heightened. Discrimination and second-class treatment will no longer be patiently endured, quietly tolerated. The victims of racism, sexism, and poverty, the aged, the physically and mentally disabled, are demanding that they be heard, and they are increasingly turning to the courts to demand redress of fundamental injustice. And they need lawyers—good lawyers—to help them. And the present increase in litigation from this corner of our society is only the tip of the iceberg. As President Bok of Harvard pointed out, 'beneath the visible mass of litigation lies a vast accumulation of festering quarrels and potential suits that never come to court because of fear, ignorance, and the inhibiting costs of legal services.'

"If the so-called litigation crisis is due in any significant part to the increase in social expectations of the disadvantaged and to society's growing sensitivity of such issues, and I believe it is, then in my opinion the increase in litigation is a healthy one, and in keeping with the best American tradition, judicial economy must not be purchased at the price of justice. Addressing the underlying problems that are at the heart of this crisis will be costly, but it is the only long-run solution."

And, as Dean Redlich trenchantly observed: "For reasons which the critics do not seem to understand, the people still want to take their case to court—those inefficient, lawyer-dominated, judge-ruled, discovery-plagued, slow-moving, unpredictable courts. I think that the American people, to the great credit of our profession, turn to the courts because it is just about the only agency of government that they can still trust.

Judges and juries may be inefficient, they may sometimes be stupid, and even wrong, but instinctively the American people feel that there is one thing that judges and juries are not. They are not bought. With all of the problems in the system, it still involves a process where a claim can be asserted, a defense raised, and judges and juries will make an honest attempt to resolve the dispute on the merits.

"And, as we look critically at the justice system, we should not fall into the habit of judging it purely in procedural or mechanical terms. During the days of Earl Warren, we did not seem to evaluate the justice system solely in terms of the numbers of dispositions, the average length of the criminal trial, the number of days it takes to select the jury, or the length of the backlog. It is, of course, true that justice delayed is justice lost. But it is also true that injustice in a hurry is still injustice.

"The justice system ought to have a substantive agenda, as well as a procedural agenda. I do not here carry a brief either for a liberal or a conservative position. I am simply suggesting that leaders of the Bench and Bar, while they address issues of judicial administration, have a correlative duty to address some of the great substantive issues that face the courts—problems of the environment, of the structure of our political system in an age of soaring costs, of the need to preserve religious freedom and the separation of church and state, of the role of the courts in dealing with the problems of aliens, race, sex, personal autonomy, the prison system, the aged, inequalities of opportunity, access to legal services, concentration of economic power opportunity, and the protection of privacy and inventiveness in an electronic age. These, and many others, head the agenda of the justice system—not the workload of the Supreme Court."

Yes, equal justice under law, an immensely moral concept, is the very cornerstone of our American concept of justice, and will remain so as long as courts function in its service. If we are to be as a shining city upon a hill, it will be because of lawyers' ceaseless pursuit of the constitutional ideals of human dignity. For the political and legal ideals that form the foundation of much that is best in American institutions—ideals jealously preserved and guarded throughout our history—still form the vital force in creative political thought and activity within the nation today. As we adapt our institutions to the ever-changing conditions of national and international life, these ideals of human dignity—liberty and justice for all individuals—will continue to inspire and guide us because they are entrenched in our Constitution. The Constitution with its Bill of Rights thus has a bright future, as well as a glorious past, for its spirit is inherent in the aspirations of all Americans. You who will be entering the profession today will never forget, I am sure, that, as lawyers, the primary responsibility for maintaining and furthering the American dream is being passed on to you. Safeguard and cherish it.

Golden Celebrations



Class of 1932

Class of 1932 left to right: Floor: L. Ramey, P. Millstone, D. Greek, R. Wead, E. Lombardo, N. George, R. Richards; Seated: F. Lang, W. Davis, C. McGreevy, W. Smith; Standing: L. Wexler, I. Harris, E. Swing, E. Moats, R. Jeter, G. Chamblin, Dean F. Beytagh, P. McNamara, E. Kerr, J. Armogida, J. Davies, R. Jones; Stairs: L. Lyman, H. Schear

Twenty-four members of the Class of 1932 and their spouses gathered for a weekend full of fun, food, high spirits, and shared reminiscences, as they celebrated their 55th reunion. This is an active class, getting together faithfully every five years. They talk of sharing a cruise, of not waiting for five more years.

The Class of '32 has weathered many storms together, not the least of which was the financial storm that accosted them shortly after their embarkation on their legal education. Just one month after their first days in law school, Black Friday 1929 shook them along with the rest of the nation.

Indomitable reunion organizers **Paul McNamara** and **George Chamblin** wrote to fellow classmates of the joyous 55th celebration. "Bragging about children and grandchildren was generously permitted but the underlying theme of most of the conversation was 'How lucky we are to be together again!' and 'What a great pleasure we have had in the five-year reunions of our class!'"

Great indeed! *Law Record* looks forward to writing about their sixtieth. May they have many more.



Class of 1937

Class of 1937 left to right: Front Row: T. Richards, W. Jones, E. Ruzzo, R. Potts, W. Schmidt, H. Gottlieb; Back Row: E. Mitchell, W. Lewis, N. Stern, J. Halberstein, J. Heyman, C. Hill, D. Postlewaite

For the thirteen returning graduates and spouses of the Class of 1937, the evening of September 12 brought rekindled friendships and nostalgia. They looked back to the days when "Page Hall was an island, the colonnade and front steps the edge of the world."

That "world" quickly expanded beyond the Oval of OSU. Employment beckoned in other locales and eventually World War II called many to action from Europe to the Pacific. Fortunately, many classmates could also share experiences in the world of travel under more pleasurable circumstances.

However disparate their years in

the law, as community leaders, with their families, the common bonds of Page Hall remained intact. The reunion hours were few but the years and separation evaporated in the hum of shared memories and joys.

The reuniting class gave special thanks to organizers **Bill Schmidt**, Columbus, and **Ted Mitchell**, Marion, Ohio, for their golden year celebration. Dean Frank Beytagh presented special certificates and mementos of the occasion. A reunion book captured their years both at and beyond the OSU College of Law, noting their collective achievements.

Judicial Fellow at Annual Return

Annual Return luncheon guests were treated to a rare glimpse at the workings of the United States Supreme Court. Alumnus **Thomas S. Hodson, '73**, who has just finished a year-long Judicial Fellowship at the Court working especially with Chief Justice Rehnquist, was the quest speaker.



Thomas S. Hodson

The highly competitive Judicial Fellows Program affords lawyers, law professors, and others in allied professions who are in the early or middle stages of their careers exposure to the administration of courts at the highest level.

For Tom Hodson, who was a judge on the Athens County Court of Common Pleas, this opportunity seemed ideal. Unfortunately, he was required to resign his seat on the bench to go to Washington, so he can not immediately put his experience to work as a judge. He nevertheless is not deterred from



West Virginia friends returning to Columbus for the Annual Return Luncheon and the first OSU vs. W. Va. football game in 93 years

putting together his experience and his interests. Through his new media consulting firm, Hodson and Associates, he plans to help judicial groups, law enforcement agencies, and perhaps law firms with their media relations. He will also work to promote better public understanding of the judicial system.

As a Judicial Fellow, Mr. Hodson gave support to the Chief Justice in various capacities. Besides presiding over the Court when it is in session and in deliberations, the Chief Justice serves as Supreme Court Administrator, responsible for a \$16 million budget and more than 320 employees, and fulfills other such diverse administrative roles as Chairman of the Judicial Conference of the United States and member of the Board of Regents of the Smithsonian Institution.

Much of the role of a Judicial Fellow is tailored to the background of the particular Fellow. Mr. Hodson's background

includes a journalism degree from Ohio University, a law degree from Ohio State, and a term on the Municipal Court bench in Athens County, Ohio before his election to the Court of Common Pleas. His responsibilities in Washington were peculiar to those talents. He completed several research projects concerning court administration. He served as liaison with the Court Public Information Office to produce brochures about the Court and the Bicentennial of the Constitution. He worked with the new Chief Justice on the annual year-end report on the state of the judiciary. He was the first Fellow to work with the staff counsel to the court and to advise the Chief Justice on legal and legislative matters which might have impact on the Court.

Among his most glamorous duties was his representation of the Court before foreign dignitaries. He met with visiting justices and attorneys general from more than

thirty countries, sharing concepts of legal structure and problems common to legal systems worldwide.

Mr. Hodson's unique expertise was in the area of media relations. He worked with the Public Information Office at the Court to handle press inquiries and interpret to the public the activities of the Court in lay terms. He helped distribute decisions as they were released, and worked with the press covering the investiture of the Chief Justice and Justice Scalia. And it was he, for instance, who helped the press on the day of Justice Powell's surprise resignation.

The fellowship is a year of remarkable experiences. There are interlocking programs with the White House Fellows and weekly luncheons with notable people. "It is a great opportunity for any lawyer or law professor who wants to take a sabbatical and get a broader perspective on our country's judicial system. It is, however, not a year of reflection but a time to produce," according to Mr. Hodson.



Newly elected National Council member John Liber, '63, at luncheon

In his address, besides explaining the program, Mr. Hodson afforded the guests a look into the personalities on the Court. Chief Justice Rehnquist was contrasted to former Chief Justice Burger in management

style. Both were painted as devoted to the country and the Court, but as showing that dedication in different ways. The Rehnquist style of delegation differs markedly from the Burger style of hands-on administration. Efficiency is the hallmark of the current Chief Justice, who was described as the "consummate one-minute manager." Administrative meetings are brief, thoroughly prepared, and productive. Such an approach helps the Court determine which of the 5000 petitions it receives each year will be among the 160 or so set for oral argument.



Justice Robert Holmes and Tom Hodson in greeting as Bankruptcy Judge William Bodoh looks on

Yet Chief Justice Rehnquist shares wide-ranging interests with the Court's staff. Daily tennis matches, art discussions, concern for more than only the legal opinions of the clerks are characteristic of this new Chief. As with any major change there is a fresh flow of ideas and suggestions. There is an openness to the press and to the public that Mr. Hodson was able to facilitate at the Chief's behest.

Tom Hodson commented that Chief Justice Rehnquist has not changed his judicial role on the Court significantly. He has not used the power of the Chief's position to imprint any particular view on the assignment of opinions. Of the 1986-87 cases that were decided by a 6-3 or 5-4 vote, the Chief frequently found himself in the minority. In those instances he deferred assignment of the opinions to the ranking member of the

majority, most often Senior Associate Justice William Brennan.

The glimpse provided by "The Outsider's Inside View of the Supreme Court" pictured Justice Scalia as the most ardent court questioner, "equally brutal to both sides," affirmed Mr. Hodson. "The Justice has not forgotten his days as a law professor." The Chief might unnerve the lawyer presenting oral argument by correcting grammar or, at times, by disappearing behind the curtains for a walk to ease his back pain.

In answer to a question about

comments by a Justice to the public, Mr. Hodson assured his audience that there is no attempt to repress the Justices. The Court is perceived as nine mini law firms, each highly respected for its ability, though not always coming to the same conclusions.

Mr. Hodson had the rare opportunity to see inside the Court. His conclusion: "It is a marvelous institution made up of human beings who may differ in philosophy and perspective but who have strong underlying respect for the system and for each other."

The College was pleased to be able to recognize the outstanding achievements of one of its younger graduates. Tom Hodson undoubtedly will continue to enhance his reputations in the service of justice as well as the reputation of this law school.

Bicentennial . . . A Celebration

"The Continuing Debate 1787 — 1987"

Our Constitution was born out of controversy and turmoil and ratified amid fervent debate. The Constitution has endured in a world little envisioned 200 years ago, but the debate continues. Central issues like federalism, the power of the federal judiciary, and the balance of protections between the rights of individuals and the state have not been etched for the ages. The continuing debate springing from the 1787 ratification debates and

our common search for limitation and balance was the theme of the Annual Alumni Return program on September 11.

The program began with a reenactment *à la* ruffles and breeches of the 1787 arguments by federalist "Publius" Francis X. Beytagh and anti-federalist "Brutus" Josiah H. Blackmore, '62 interim President of Capital University.

1787

FEDERALISM



Publius: The Constitution does not create a national government of unlimited power, but rather one of specific and limited authority necessary for us as a nation to survive and prosper in the world. States are and will remain sovereign.

Yes, a supremacy clause is there. When conflict arises between actions of the federal government on one hand and

states on the other, it is only sound and sensible that the federal government prevail.

The proposed government is in a republican form (voted on by the states), not a democratic one. This is a federal system, not a national one.

POWER OF THE FEDERAL JUDICIARY

Publius: With neither purse nor sword, the judiciary is indeed the least dangerous branch of government. It meets the objectives of the anti-federalist by providing a check on the power proposed for the other branches of government.

State courts are still to function as before with concurrent jurisdiction over matters relating to the Constitution.

Rogues and scalawags will not serve because the Senate, to be selected by the State legislatures, must confirm the appointees of the President. . . Protection from a runaway judiciary is assured through the impeachment power and amendment process.

INDIVIDUAL RIGHTS

Publius: A government of limited powers, checks and balances, in and of itself provides sufficient protection of individual rights. An enumeration of rights can be limiting. . . Rather there are natural rights, which exist without dependency on any written document. . . This document need not repeat rights already recognized by many constitutions.

Individual rights are matters that can be addressed by the first Congress, representing the people and the states.



Brutus: What egregious folly to think of a system of moderation. What superlative ignorance of power. The rapacious hand of power ultimately will prevail.

The Constitution is designed to bypass state government in every respect. Large states will over shadow the small and large population centers will prevail.

The territory encompassed by the new government is far too large to preserve freedom.

The Preamble itself begins 'We the People', which this document does not recognize. We will rue the day that we gave a national government such authority.

Brutus: When Congress pays the salaries of Senators, rather than the states as proposed, where will their allegiance be then?

Article III provides exclusive jurisdiction in the federal court to hear any matter in which a state is a party. Are we given to think now that every single criminal prosecution that takes place in the various states will now be solely within the jurisdiction of the Supreme Court? Certainly there is nothing in this document to suggest otherwise.

The Constitution goes even further than the British system of justice. It provides for lifetime tenure, removal only for cause, and no review of decisions anywhere by anyone.

Brutus: No document creating such powers in a federal government can be adopted without guarantees for individual liberties. Protection of rights by the states will not suffice.

Beware, I say again, the rapacious hand of power shall prevail.

This document with its ambiguities and compromises does not abolish slavery or forthrightly preserve our liberties.

ENDURING QUALITIES

Publius: This document may not be ideal or perfect, but it is as good as humankind can put together. Let me remind you of Benjamin Franklin's appeal, 'I agree to this Constitution, with all its faults, if they are such; because I think a general government necessary for all of us, and there is no form of government, but what may be a blessing to the people if well administered; I believe further that this is likely to be well administered for a course of years, and can only end in despotism. . . when the people shall become so corrupted as to need despotic government. . . I doubt, too, whether any other convention we can obtain may be able to make a better constitution.'

1987

Our time machine returned the audience to the world of electricity and complexity. Professors Louis Jacobs, Morgan Shipman, and David Goldberger were joined by modern-day Publius and Brutus.

Professor Jacobs opened the 1987 Continuing Debate. In our federal system "are states realistic geo-political units? Would we better served to recognize regions like the Sun Belt and the Rust Belt?" It was suggested that the economy, telecommunications, and travel pay little attention to such legal devices as state lines. Professor Jacobs also identified individual rights as a subject of heated discussion. "Some of our citizens think that individual rights are protecting those who refuse to adhere to societal views, trumping the opportunity of the majority for a basic community of shared values. On the other side is the notion that the individual has lost rights in our society," stated Professor Jacobs.

Issues of federalism and individual rights have surfaced in the contemporary debate about the role of the federal judiciary, particularly dramatized by the recent appointment procedures to the Supreme Court. "Should we reevaluate *Marbury v. Madison*, as some suggest, to make judicial review a passive enterprise rather than what some have condemned as an activist one?" posed Professor Jacobs. Member composition of the Court is seen as critical to this question.

Tender Offer Legislation and Federalism

Professor Shipman demonstrated many of the federalism arguments as he reviewed recent decisions dealing with tender offer legislation. He began by citing *CTS Corporation v. Dynamics Corporation of America*, ___ U.S. ___, 107 S. Ct. 1637 (1987). "This case demonstrates the common-sense adjustment mechanisms in Supreme Court adjudications as well as the Hamilton/Jefferson tensions concerning federalism, a tension that exists to this day," stated Professor Shipman. He started his discussion with *Edgar v. MITE Corp.*, 457 U.S. 624 (1982) in which the Court invalidated an Illinois statute requiring prior governmental approval of a hostile tender offer for the shares of a publicly owned corporation. Justice White, author of the majority opinion, gained the necessary votes for a holding that the Illinois statute was an unreasonable burden on interstate commerce, although he failed to gain support for his idea that the federal securities laws impliedly preempted the Illinois statute. "After the

MITE case, most 'experts' heralded the demise of all state statutes in this area," said Shipman.

The same year as the MITE decision, Ohio adopted a statute providing for a shareholders' vote on tender offers — not as a condition to making the offer, but to actually purchasing the shares. Indiana copied and altered the Ohio version and that legislation was challenged in federal district court. "As luck would have it," stated Shipman, "Judge Posner 'overwrote' the 7th Circuit's 1986 opinion in CTS knocking down the Indiana statute and the U.S. Supreme Court noted probable jurisdiction."

In the autumn of 1986, the insider trading scandals (officials got their first lead from an anonymous postcard from South America) riveted the attention of all Americans and set the scene for the CTS case review by the Supreme Court. When the CTS was decided in April 1987, Justice Powell was joined by Justices Brennan, Marshall, O'Connor, and Chief Justice Rehnquist in an opinion upholding the Indiana statute. Justice Scalia joined in the result.

"Justice Powell, an accomplished corporate lawyer, wrote in Jeffersonian tones," observed Shipman. He found the purpose of the Indiana statute consistent with federal regulation; he found the state regulation reasonable; and he demonstrated that the Indiana statute did not make it impossible to comply with federal regulation — hence, no implied preemption. Applying a balancing test under the commerce clause, he found strong state interests and a lack of conflict with other state laws (the Indiana statute applied only to Indiana corporations) — hence no unreasonable burden on commerce even though a national tender offer was being regulated. Justice Powell noted that state law created the instrument of commerce, shares of stock in a corporation. Professor Shipman explained that the CTS decision was reached by applying MITE's tests, though not its spirit — a very Jeffersonian opinion. Justice White dissented in Hamiltonian form, pointing to national concerns and national effects.

Justice Powell's opinion gave great weight to the long history of state regulation. At the same time, the power of Congress to legislate a federal statute with express preemptive effect is theoretically possible. "CTS moved the clock back fifteen years on implied preemption and on the dormant commerce clause," concluded Professor Shipman. The case demonstrates the

pragmatic case-by-case correction process of the Court, an approach he supports. The worrisome breadth of the Posner opinion as well as the insider trading scandals (the latter not mentioned by the Court) provided experience upon which the Court drew. It was the prospect of this process of experience and change that fostered Benjamin Franklin's ardent support for ratification of the Constitution as quoted by Publius in the opening debate.



Professors Shipman, Goldberger, and Jacobs

Civil Rights and the Constitution

Professor Goldberger noted that until the second decade of the twentieth century, shortly before the start of World War I, much power was left to the states in the area of individual rights. Very little power was concentrated in the federal courts. "However, with the onset of unrest, the government began jailing radicals because of their political viewpoints," noted Professor Goldberger. The judiciary, while initially according responsibility to the state and federal legislatures, became increasingly uncomfortable with such action and began to exert more influence in the area of individual rights. In Professor Goldberger's view, "the judiciary began to be extremely sensitive to the excesses of the majority."

The 1940's saw the development of First Amendment doctrine, the 1950's the development of the Equal Protection doctrine, and in the 1960's both doctrines were extraordinarily protective of minorities and dissidents. What of the 1980's? Professor Jacobs's initial question was pertinent. "Is what we are protecting — as in the case of obscenity — what a rational and civilized society ought to protect? The judiciary has become more aggressive, almost as aggressive as Brutus warned," suggested Professor Jacobs. Many critics argue that judicial activism is an indication that the judiciary has gone too far beyond the original intent of the framers of the Constitution. So the debate continues.

A Second Constitutional Convention?

What promise or problems does the possibility of a 20th century Constitutional Convention raise? Is our 1787 Constitution an anachronism for our entry into the 21st century? "Debate on many central issues goes

on apace within a constitutional framework and reflects the ability of society to accommodate different viewpoints without requiring substantial revisions to the foundation document," stated Professor Goldberger.

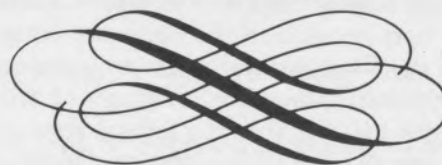
Audience members and panelists discussed whether a modern-day Convention is something to applaud, fear, distrust, or abhor. Dean Beytagh suggested that fear of the unknown might drive people to distrust such a convention. However, his own view is that if, "as a nation we are likely to engage in a runaway convention, then perhaps the whole current structure will fall apart anyway. Our imperfect constitution has inadequacies and imperfections, as Franklin pointed out. Yet over the course of two hundred years, corrective processes have eliminated some of those problems and conceivably created some new ones. The issues — state/federal relations, the amendment process — are still issues today. The debate is still alive," he commented.

From a comparative constitutional law perspective, Dean Beytagh related that various modern-day constitutions have addressed directly questions of federalism. Professor Shipman disagreed that the German or French experience of a one time gathering of great minds to forge a new document would produce better law than the case-by-case adjudication by the Court coupled with legitimate political pressures on the Court. "Americans distrust grand intellectual schemes and prefer Bagehot's custom and experience to pure logic," Shipman commented. The results produced over two hundred years are too valuable to submit to the risky process of convention," he warned.

Members elaborated on the issues which might come before such a convention, ruling that single-issue adherents would not be able to create a document society could live with.

Abortion, how to define a "person" under the fourteenth amendment, a balanced budget, issues raised by biomedical technology, all loomed as special interests which could consume a convention. President Blackmore recalled that the specter of special interest groups was raised in 1787 when quoting Montesquieu's warning against trying to govern too large an area. "It was argued then that people with money and special interests would prevail in government," he stated.

The afternoon program concluded with no clear consensus on the benefits or detriments of a Constitutional Convention. Although we celebrate the stability of two hundred years of government, participants were mindful that not all peoples have shared equally in the fruits of our Constitution. Challenges remain. Lawyers will continue to debate issues of federalism, the federal judiciary and judicial review, and civil liberties as they face new problems and new situations.



Another Bicentennial

by Francis X. Beytagh

Much attention is being focused this year on the bicentennial of the United States Constitution. This is altogether fitting and proper, in view of that instrument's monumental role in the life of this country. Less attention has been given to "another bicentennial" that we commemorate this year—that of the Northwest Ordinance of 1787. Yet, especially for those of us living in Ohio and the other states of the Midwest which previously comprised the Northwest Territory, this remarkable document is of considerable significance, not only historically but contemporaneously as well.

The Northwest Ordinance was a comprehensive and farsighted piece of legislation enacted by the "Confederate Congress," sitting in New York in July of 1787, at the very time the Constitutional Convention was meeting in Philadelphia. Styled "*an ordinance for the government of the territory of the United States north-west of the river Ohio*," it was in effect Ohio's first constitution. State constitutions of course existed in 1787, but there was no more general model from which to draw in drafting the Ordinance's provisions. Indeed, some of the concepts included in the Ordinance shaped and influenced the thinking of those who drafted the U.S. Constitution and the subsequently added Bill of Rights.

As a matter of governmental structure, the Northwest Ordinance provided for a "governor" (to be appointed by Congress), a small judicial branch, and a "general assembly" composed of representatives elected from districts equal in population. This latter feature foreshadowed the Supreme Court's "one person-one vote" decisions of the 1960's by almost 180 years. Lest one think that the drafters of the Ordinance were wholly enlightened, only "free male inhabitants" who were freeholders in the district were permitted to vote and to serve in the territorial legislature. But it was the so-called "articles of compact," largely protective of individual rights in the newly formed territory, that gave the Ordinance its distinctive character as one of the most progressive measures adopted in the history of our nation. The preamble to the articles sought to give permanence to these protections by stating that they "*shall* forever remain unalterable, unless by common consent." In a sense, then, they apply even today in states like Ohio.

Without attempting to be exhaustive, it is interesting and illuminating to canvass the more important of these fundamental guarantees. Religious liberty was amply protected. The foundation for comprehensive public

education was presaged by a farsighted provision stating that "*religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.*" The federal Constitution of course does not mention education, though State constitutions do. And the Court concluded in the 1970's that no fundamental right to education could be implied or inferred as a matter of federal constitutional law. Anticipating the Civil War and the 13th Amendment by 75 years, the Ordinance further stated that "*there shall be neither slavery nor involuntary servitude in the said territory, other than in the punishment of crimes, whereof the party shall have been duly convicted.*" By way of contrast, the Convention meeting in Philadelphia at the same time, admittedly influenced by Virginia and other Southern States, avoided the slavery question almost entirely. Obscure language delayed congressional abolition of slave trade for two decades and required that slaves be counted as 3/5 of a free person in apportioning seats in the House of Representatives. Thus, in one bold stroke the Ordinance charted the course of history in the Northwest Territory, and the States to develop from it, as free not slave, and as a consequence facilitated preservation of the Union.

Elaborate protections relating to criminal procedure were also included in the Northwest Ordinance. Habeas corpus and trial by jury were assured. Bail was provided for, and "cruel or unusual punishments" were prohibited. As a throwback to Magna Carta and a harbinger of due process as later guaranteed in the Fifth and Fourteenth Amendments, the Ordinance read: "No man shall be deprived of his liberty or property, but by judgment of his peers, or the law of the land. . . ." Lastly, "full compensation" for property taken or services diminished by government was required and laws interfering with "private contracts" were prohibited.

The Northwest Ordinance was in legal effect only for a relatively short period in our country's history, unlike the Constitution drafted in 1787. Ohio became a state in 1803, and the others followed in due course during the early part of the 19th century. Yet the Ordinance shaped the polity of these emerging states, and of what was to become the nation's great heartland, in ways that endure even today. We should pause to reflect on how farsighted and progressive this remarkable document was, and give it the deference it is due—along with the Constitution—during its bicentennial year.

October Homecoming

Falling leaves, brisk breezes, and blue skies formed the backdrop to the College's first "Buckeye Swing." "I had a superb time with nice people on a beautiful day and I loved every minute of it (well, maybe not the three-putt on 15)," writes **Robert J. Watkins**, '69, president-elect of the Alumni Association. He shared in the golf outing and took top prizes with foursome mate **Larry R. Thompson**, '76.

The OSU Scarlet Golf course and the courts at the nearby Swim and Racquet Club provided a Friday afternoon reprieve from the demands of law practice for a number of alumni, some joined by spouses. Participants are looking forward to a rematch next fall.

Saturday morning the OSU campus was flooded with scarlet and grey as fans gathered for pre-game festivities. Camaraderie, spirited song by the OSU Men's Glee

Club, and sizzling bratwurst were included in the bill of fare at the College Tailgate Party. "This is a great idea," said Judge **Michael McKinley**, '62 as he and friends enjoyed the activities on the side lawn while awaiting the 3:30 p.m. football kickoff against Minnesota. The homecoming weekend concluded with reunion gatherings for the Classes of 1957 and 1962.



Tailgate Party

Buckeye Swing



Henry Folsom Page Society

The College of Law Centennial Campaign Committee has approved the recognition of special gifts to the campaign of \$25,000 or more through membership in The Henry Folsom Page Society. This donor recognition group takes its name from the former Circleville lawyer whose large bequest in the early years of the College of Law helped pay for the first campus home of the law school and established the University's Permanent Endowment.

The Law Centennial Campaign seeks commitments of \$12.0 million to the College for an addition to and renovation of the Law Building, establishment of endowed chairs and professorships, the beginning of a permanent endowment for the Law Library, increase in endowed scholarships, and sustenance of the Law Annual Fund throughout the campaign period. In addition to the amount raised by the Campaign, the University has committed an additional \$7.5 million in matching monies from its funds to be put toward the Law Building

Addition and Renovation, scheduled for completion in 1991.

"Because the priorities of this campaign are so closely tied to the uses of Mr. Page's original gift and because many of us remember fondly the days and nights we spent in Page Hall, our committee agreed that we could find no better name for a special group of donors to the Law Centennial Campaign than The Henry Folsom Page Society," remarked Tom Cavendish, one of the co-chairs of the fund-raising effort.

Donors of \$25,000 or more to the campaign will be considered for Centennial Membership in The Henry Folsom Page Society subject to approval and by invitation of the Executive Committee of the Society. The Executive Committee is appointed by the Dean of the College of Law from donors who have made early commitments to the Law Centennial Campaign.

The Campaign committee has agreed to provide permanent recognition of the Centennial Members

by listing all such donors on a plaque to be designed and hung in the Law Building. Individual recognition will also be given to each member.

It is anticipated that there will be an annual special event meeting of The Henry Folsom Page Society. At this meeting and throughout the year, members will advise the Dean on matters related to private giving.

Gifts to the Law Centennial Campaign may be made by cash, securities, and/or bequest. Recognition of deferred gift donors by The Henry Folsom Page Society is subject to special considerations.

Gifts to The College of Law Centennial Campaign are counted in the total of The Ohio State University Campaign, a \$350 million program for excellence. The University will provide recognition to all members of The Henry Folsom Page Society through its President's Club.

For additional information, please call the Law Centennial Campaign Office, 614-292-0601.

Henry Folsom Page — Benefactor

Who was *Henry Folsom Page*? That question is revived today with the designation of *The Henry Folsom Page Society*. The question was first asked in 1891.

Many of our alumni have at least heard his name, remembering, fondly or not, their days in Page Hall, the first permanent home of the law school. Serving the College of Law from 1910 until the present law building was fully occupied in 1959, Page Hall was named to honor a man who quietly, without ostentation, became the first and largest benefactor of the University in its earliest days.

Henry Folsom Page was a graduate of Miami University and attended law lectures at Harvard. He had no known connection to Ohio

State, indeed may have never set foot on the campus. According to the recollections gathered for the Page Hall dedication and reported in the July 1910 *The Ohio State University Quarterly*, "Henry Folsom Page died at Circleville, Ohio, October 27, 1891. A telegram from that city reached the University authorities the next day, and you can imagine their surprise at being informed of the death of Mr. Page and of the fact that he had left his entire fortune, subject to some life estates, to Ohio State."

Two prominent personal characteristics of Henry Folsom Page were his loyalty and devotion to his wife and daughter and his fidelity to his friends. But it is the single act of service, an unrestricted gift

of nearly a quarter of a million dollars, from a seeming stranger to Ohio State, that we celebrate today. With his gift he left the fruits of a long life to the young men and women of Ohio. His gift began the permanent endowment that is to be enhanced by the University's \$350 million campaign for excellence. It is not strange, then, that when casting about for a name for the new law building at Ohio State in 1910, the Trustees chose to honor so munificent a donor, himself a "splendid and successful lawyer." It is not strange that the generous benefactors of the College of Law today should honor that same gentleman. So is born The Henry Folsom Page Society.

Regional Campaigns — Ohio

While The Henry Folsom Page Society recognizes large gifts to the Law Centennial Campaign, there are many alumni and friends of the College who, through smaller gifts, want to be a part of this exciting effort and who collectively will play a significant role in bringing the Campaign to its goal.

"During the first year of the Campaign we have asked people for leadership gifts. That effort has gone very well. With the further development of our Ohio Regional Campaigns and the mail and telephone activity, we seek to give

each and every alum the opportunity to participate in this important project," said Tom Cavenish, Co-Chair of the Law Centennial Campaign. The Campaign Committee representatives are trying to talk with most alumni, especially those in Ohio, in a personal way about their gifts to the Campaign.

To organize this approach, the state has been divided into twenty-nine regions and volunteers have been recruited to assist the College in the solicitation of alumni within each region. The Committee hopes to have greater alumni par-

ticipation through these personal contacts than would be achieved by using only mailings and telephone calls.

"From the start of this Campaign we have sought to involve our alumni and friends in planning, advising, and soliciting gifts. Our good progress to date shows the invaluable contributions these volunteers have made to the Campaign and to the future of the College," remarked Dean Beytagh. Each person connected with the College has the opportunity to help the Campaign achieve its worthwhile goal.

Architectural Update

In July 1986 the Columbus architectural firm of Trott & Bean Associates was hired by the College of Law to provide conceptual drawings on the feasibility of adding approximately 90,000 square feet to the existing Law Building. These renderings were presented at the Kick-Off Dinner in September 1986 and are used in our Campaign literature.

By September 1987 progress on the Law Building Addition and Renovation project of the Campaign had reached \$3.0 million in

cash and pledges. The College of Law approached the University for approval to begin the process of selecting a project architect.

The University Architect and the Office of Campus Planning will notify the State of Ohio that the Law Building Project has been approved for the selection of a project architect. The job will then be advertised to architectural firms nationwide and those interested in competing for the project will notify the State of Ohio. From this group the State Architect will

select a panel of six or seven firms to interview at the College of Law.

Based on the interview process, the College will choose a firm to be Project Architect. It is anticipated that building plans will be developed over the next year. Ground-breaking for the addition is tentatively set for early spring 1989. The College hopes to complete the addition and renovation work by fall 1991 in time for the celebration of our Centennial year.

Toledo Firms Commit

Two Toledo law firms have shown tangible support for the College by their commitments to the Centennial Campaign. *Shumaker, Loop & Kendrick* and *Fuller & Henry* have each successfully sought pledges from all of their Ohio State partners, associates, and counsel. The partnerships have added to the pledges of the individual donors, giving the gifts greater significance.

Partners *James White*, '65, and *Michael Briley*, '69, spearheaded the drive at Shumaker, Loop & Kendrick, Toledo's largest firm. "We wanted to do something for our law school. A number of us

have gotten our starts there and this is a way we can give something back to help the program continue its excellence," said Jim White. There is a strong tradition of support from the firm, beginning with the late *Alan B. Loop*, '33, for whom the firm is named. He is a former Trustee of the University whose President's Club gifts have benefited the College of Law Scholarship Funds.

Fuller & Henry partner *John McCarthy*, '55 has led the effort to pledge \$40,000 to the Building and Renovation project of the Campaign. *Mrs. Fred Fuller*, widow of 1926 graduate *Fred*

Fuller, has designated a gift to be included in the Fuller & Henry pledge. "She thought it was a meaningful way to honor her husband, who loved OSU," noted Jack McCarthy. "We all want to do anything we can to help the school."

These gifts and others demonstrate how graduates and friends, both new and of long standing, can put the campaign over the top so that Ohio State can have the building space and library, faculty, and scholarship resources it needs for its ongoing quest for excellence.

Class of 1942



Friends

Class of 1947



Class of 1952



Revisited

Class of 1957



Class of 1962



Class of 1967



Class of 1977



Class of 1982



New Faces in Placement

One of the features of the Placement Office is that it can be an interface between students, alumni, and others in the real world of the profession. It gives a new director a fast introduction into many elements of the law school community. And Ohio State's new Placement Director has plunged right in. Along with her obvious association with current students, she appreciates her contacts with alumni. "No matter where they are in their professional lives, all alumni can contribute something with little cost but which may have a great effect on a young person's career." Such is how **Darlene J. Brown**, new Director of Placement Services at the College of Law, views the opportunities for alumni. "I have been amazed and thrilled by the generosity of the many alumni who have called during these first few months to volunteer their assistance with programs and to offer their influence within their own organizations," she noted gratefully. "We need contacts in all career areas from the traditional law firm to those opportunities outside the usual realm of practice like business, government, and other service professions," she continued. All of these offers enhance the ability of the College to promote its graduates as competent and creative candidates.

After an extensive search with a response from a large number of highly qualified candidates, the College welcomed Ms. Brown to its administration in early August. Since that time there has been a flurry of activity rivaling the flurry of leaves outside the windows during this active fall. With about 150 recruiters, as many as thirteen on a given day, seeing some fifteen or twenty students each, the capable and personable staff of the placement office has handled it all with great aplomb. Assisting Ms. Brown on a permanent basis is **Joan Roettger**, a College veteran from secretarial

services. During the peak on-campus interview season there is also the assistance of three part-time work-study students and a full-time temporary clerk. Recruiters were often greeted by student guides who showed them to their particular interview crannies eked out of a building already bursting at the seams. Through it all, the new staff good-naturedly managed to help the students and the recruiters find each other at the right time and in the right place.

During a short breather to catch up with the paper work needing her attention, Darlene Brown spoke of her visions for the office and more particularly for the students it seeks to serve. "This is one spot where I can use all of my training in student services at an exciting juncture in a student's upcoming professional life," she said. The job uses the skills she has developed over the past fifteen years in the field of human resources and student services. After receiving a bachelor's degree in journalism from Ohio University, she went to the University of Vermont where she earned a master's degree in higher education administration. She then plied her talents in both the private sector and university life, spending the intervening years at Kentucky, Southern Methodist, and Ohio Northern, at the latter as undergraduate placement director before serving as assistant to the dean of the law school.

The Placement Office taps her skills in writing, searching for opportunities, counseling, programming, advising, and supervising staff. "This is not a job placement service," emphasized Ms. Brown. "Our purpose is to give students the mechanical skills to get a job—not just *any* job but *the* job," she asserts. She wants to dispel the pernicious myth at so many law schools that the office is only for the top fifteen or twenty percent of the class who will

schedule on-campus interviews. She hopes to teach all students that getting a job is a process. The skills learned in the process will be applicable forever and this may be the only time in their lives they have the chance to acquire them. Certainly mechanics of a resume and a cover letter are discussed, but equally emphasized are the self-development skills of assessing goals based on one's own values and personality traits. The students learn to recognize that there may be appropriate opportunities outside a big-name-but-big-pressure practice. The office provides students with information about those alternatives. The students, in turn, develop the confidence to follow through on their decisions and plans.

Important to Darlene Brown is the challenge of getting students to use the services of the placement office. "We want them to know that all students can be served by the office. We hope they will leave with a feeling of camaraderie about the law school and know that one of the ways that can happen is through personalized help from the Placement Office. Our success is measured not only by the jobs students get but also by whether we've given students the skills to cope long after their entry positions." She wants students to know they are welcome back.



Darlene Brown

Professionalism — Focus of Meeting

Lawyer professionalism is a topic of mounting concern for legal educators, practitioners, and the general public alike. Alumni and faculty discussed the issue at the Spring meeting of the College's National Council.

Thomas S. Morgan, former Dean and current Professor of Law at Emory University, was the noon-day speaker. He had served as reporter for the ABA Commission on Professionalism. In 1986 the Commission issued its report, "... In the Spirit of Public Service: A Blueprint for the Rekindling of Lawyer Professionalism," summarizing its findings and recommendations. The report was the basis of Professor Morgan's remarks.



Thomas S. Morgan

Professor Morgan outlined the dramatic change in the number of lawyers, the increasing complexity of the legal world, and various of the conclusions drawn by the Commission to improve both the reality and the perception of professional conduct of lawyers. Particular emphasis was given to the role a law school can play in achieving renewed dedication to professionalism.

Professor Morgan cautioned that the report is not the last word on

the issue. He emphasized that the report, however controversial to some readers, does represent a systematic and serious effort to consider the issues related to professionalism and to set out discrete recommendations. It is aspirational in nature.

The Commission's purpose was to determine how to prepare for a future which defies predictability but where change is certain. The phenomenon of change is well documented. The number of lawyers has more than doubled in the past twenty-five years; the median age has tumbled. Beginning lawyers at large urban firms are receiving starting salaries disproportionate to other career positions. Yet the private practitioner can no longer competently handle all of the legal problems of his or her clients. All of these changes have consequences which can not be fully predicted. There is no turning back the clock; indeed, no one wants to do so. The agenda for action is how to move the profession forward to meet new challenges and at the same time preserve the traditions of service that have made law a respected profession.

The Role of Law Schools

Professor Morgan focused on the interplay between law schools and the practicing bar for attention to ethics and professionalism. For the lawyer, serving the interests of the client and serving the profession and the greater interests of society can pose real conflict, a conflict that must be better understood and managed. Law schools are challenged to prepare students to develop an awareness of their professional responsibilities in the face of these potential conflicts.

Since Watergate, lawyers have been accused of lacking a public commitment. Professor Morgan rued that many students today, as

well as many lawyers, do not have a commitment to the "something more — a sense of public responsibility" that tugs against zealous representation and attractive financial reward. Whatever the role of the lawyer, trust and integrity must be the hallmarks of lawyers' attitudes to each other, to clients, to the court, to the system, and particularly to the cause of justice. Such attitudes begin their formation in the nation's law schools.

Law faculty can serve as effective role models through personal demonstrations of professionalism. The classroom can become a laboratory for analysis of ethical issues presented in case study. Alternative dispute resolution courses show students methods to resolve some issues without unnecessary lawsuits. Professor Morgan suggests that a student's legal education include a *pro bono* component that can be carried over into practice. He also recognizes that the law schools can play a significant role through the certification of character and fitness of students for bar admission. All of these activities are important challenges for legal education.

The Profession

The ABA report recognized that law schools cannot and should not be expected to provide the only training a person needs to become a responsible lawyer. In response, many law firms have developed orientation programs for new associates. However, since some 40% of graduating students go immediately into sole or small firm practice, the absence of a mentoring environment can impose special transitional problems. Bar associations sensitive to the needs of the new lawyer are providing "Bridge the Gap" continuing education on issues of professionalism and ethical conduct. Other programs like mandatory CLE and competency

examinations are receiving more and more attention. In the long run, creative programming by law schools and the bar to foster professionalism can forge closer relationships for the good of the profession.

One of the more controversial recommendations discussed by Professor Morgan deals with the demystification of the law. Simply put, this means the licensing of paralegals for routine, repetitive transactions like certain real estate closings. Such a division of responsibility can free the lawyer for more complex matters requiring professional judgment. If our objective as a profession is to deliver cost effective and broadly accessible legal services, then, the report contends, the profession must accept some realignment of providers. Professor Morgan congratulated

the leadership of the law schools like Ohio State, which have championed alternative dispute techniques. He noted how encouraging it is to see the interest and actions within the profession to address many of the concerns to keep ours a proud profession.

The On-going Discussion

In the informal session of the meeting, faculty and alumni discussed with Professor Morgan opportunities within the law school setting to instill a greater sense of tradition and respect for the law and lawyers. Faculty shared how elements of professionalism are brought into substantive law courses, the Moot Court program, and the clinic practica.

Dean Beytagh noted that serious teaching of professionalism must come from a "positive approach

and not simply from the standpoint of what not to do according to the Code of Professional Responsibility." It was recognized that there are distinctions between ethical action — keeping within the rules — and being ethical. Law schools and lawyers must continue to wrestle with defining "ethics," a highly value-laden concept, and "professionalism" in its broader societal context. Until lawyers have a clear sense of who they are and what they are, the profession will not have the direction or the commitment to address the charges of professionalism.

The discussions ended but the tasks remain. Faculty and involved alumni will continue to lead the challenge for a "rekindling of lawyer professionalism."

Tort Reform



Jeffrey O'Connell

The words "tort reform" spark lively debate around a topic gathering increasing attention by the trial bar, legislators, insurers, business, consumers, and the legal profession in general.

Jeffrey O'Connell, John Allen Love Professor at the University of Virginia, has been, for many years, a nationally prominent proponent of reform. His proposals for product liability reform have been a lightning rod for reaction and debate on this controversial subject. Such was the setting on April 6 when Professor

O'Connell presented the Arant Lecture at the College of Law.

Responding to his remarks and proposals were a panel of distinguished Ohio attorneys commenting on the application of Ohio products liability law: Bernard Bauer, President, Ohio Academy of Trial Lawyers; Stanton G. Darling II, Professor at Capital University Law Center and principal author of the Ohio products liability legislation incorporated into the Revised Tort Reform Bill, H.B.1, in effect as of January 5, 1988; Harry Lehman, Counsel for the Ohio Alliance for Civil Justice; Edgar Strauss, Partner at Vorys, Sater, Seymour & Pease; and P. John Kosyris of the College of Law faculty.

Professor O'Connell described the inadequacies of adherence to a system of "shin-kicking litigation," and the limitations of various reform measures. As an alternative he prescribed a "neo-no-fault" system for product liability cases, a system he believes avoids costs, delays, and uncertainties of lawsuits

and which could be applicable to any and all personal injury claims.

Professor O'Connell argues his position in his article "Balanced Proposals for Product Liability Reform" appearing in a Tort Symposium published in the *Ohio State Law Journal*, Volume 48:2 (1987). The Symposium provides a full discussion of the conflicts present in the torts crisis. Copies of the *Journal* are available at \$8.00 each by writing to the Law Journal office, 1659 North High Street, Columbus, Ohio 43210, or by telephoning (614) 292-6829.



OSU Professor Meeks, Edgar Strauss, and Virginia Professor O'Connell at the Tort Reform program

The Constitution in the Western Pacific

by Stanley K. Laughlin



Stanley K. Laughlin, '62, is a twenty-year member of the OSU law faculty. He will take professional leave during the Spring 1988 term to complete his book on the law of non-state U.S. territories and free association states. He is editor-in-chief of the book which includes as coauthors Edward King, Chief Justice of the FSM; Thomas Murphy, former Associate Justice of the High Court of American Samoa; and Jerry K. Loveland, Director of the Institute for Polynesian Studies at Laia, Hawaii, sponsor of the research. Professor Laughlin plans to travel to several of the U.S. territories and free association states during leave.

When the framers of our constitution met in Philadelphia in that steamy summer of 1787, they were striving to create a workable government for a little nation huddled on the eastern seaboard of the North American continent. It is highly unlikely that any one of them gave a single thought to how that document might someday apply in the Samoan Islands, 8,000 miles to the west, or how it might affect people in what is now called the Federated States of Micronesia, a nation of small islands spread out over an area of the western Pacific Ocean nearly as large as the continental United States. Yet their work has relevance for both. It is directly applicable in the territory of American Samoa, and it has served as a model for the Constitution of the FSM, a nation "freely-associated" with the United States.

Because American Samoa is a permanent U.S. territory, the U.S. Constitution is directly applicable there. However, since the famous *Insular Cases* of 1901, it has been clear that some provisions do not have the same effect in territories that they would have in a state. I wrote about this in the Summer 1984 issue of the *OSU Law Record*. Those interested in a more detailed discussion of the topic may be interested in articles footnoted.¹

Why Not Independence?

The question might arise why do the territories remain a part of the United States? First of all, the people in the territories are American citizens or nationals, think of themselves as Americans, and for the most part treasure that status. In American Samoa, for example, virtually everyone either has served in the United States military or has a close relative who has done so. Most have relatives living in the States.

Secondly, small island states have witnessed the difficulties and dangers of independence. A military establishment on such islands that is capable of actually defending them against serious external threats is an impossibility. A friend of mine in Micronesia has said that for a small island state to have a military is much like having a gun in your house. The odds of its successfully being used to fend off an intruder are substantially less than the chances it may be used against the family itself. The events of the past year in Fiji seem to bear out that assertion.

Affiliation with a major power also provides the territory with economic and technical support that it might have to bargain or beg for if it were not a part of a larger nation. From the standpoint of the United States, there is strategic advantage in having parts of the nation spread out around the world. In addition we benefit in many ways by being close to many markets for buying and selling. Established resources, such as tuna, and resources just now being developed, such as seabed mining, will make the insular territories even more important.

New Status For Small Nations

Some parts of Micronesia think that they have a better answer. Micronesia consists of 2,141 islands spread out over an area measuring roughly 3,000 miles from east to west and 1,500 miles from north to south. It includes the Marshall, the Caroline, the Mariana, and the Gilbert Islands. Micronesia first came to the attention of many Americans on December 7, 1941. The Japanese task force that attacked Pearl Harbor was believed to have come out of or at least to have been resupplied in those islands. The Japanese had taken over most of Micronesia under a League of Nations mandate after the First World War. Japan illegally closed the islands to the public and fortified them. The United States took the islands in the closing stages of World War II, a number of them in bloody battles costly in both Japanese and American lives.

After the war, President Truman was eager to support the United Nations in its trusteeship program for emerging nations. He wanted to put Micronesia into that program with the United States as trustee. However, the United States military was strongly opposed to any plan that would ever allow an adversary to use Micronesia for military purposes. To solve the dilemma the United Nations agreed to create a unique category, a *strategic trust*, the only one ever created. This trusteeship was under the jurisdiction of the Security Council and unlike all the others this trustee could take military actions within the trust area. That arrangement continues up to the present day with respect to Palau on the western edge of Micronesia, but, as we shall explain in a moment, it has ended for the rest of Micronesia.

The trusteeship concept required that the trustee move the trust in the direction of independence or at least self-determination. The portion of Micronesia which comprised the Trust included the Marshall Islands, the Caroline Islands, and the Mariana Islands (exclusive of Guam which was

¹Laughlin, "The Burger Court and the United States Territories," 36 *U. Fla. L. Rev.* 755 (1984); Laughlin, "The Application of the Constitution in U.S. Territories; American Samoa, A Case Study," 2 *U. Hawaii L. Rev.* 337 (1981); Laughlin, "U.S. Government Policy and Social Stratification in Samoa," 52 *Oceania* 29 (1982).

already a U.S. territory). The trusteeship was divided into districts, the Marshall District, the Ponape District, the Truk District, the Yap District, the Palau District, and the Mariana District. The idea that emerged in the late 60's and early 70's was to form all these districts into a federation modeled after that of the United States. The Federation would be in a status called "free association" with the United States.

The people of the Northern Marianas desired a more permanent relationship which would make them an actual part of the United States, so they voted to become a commonwealth along the lines of Puerto Rico. The islands of Palau on the western end of Micronesia and the Marshall Islands on the eastern end wanted free association, but as separate entities and not part of any federation. Consequently, as the Federated States of Micronesia emerged, the old Yap and Truk Districts became Yap and Truk states and the Ponape District was divided into the two states of Pohnpei and Kosrae.

The compact establishing FSM has been ratified by the people who live there and in 1986 by the United States Congress. In 1987 President Reagan proclaimed that the trusteeship had ended with respect to the Federated States of Micronesia. Under the free association arrangement the FSM will be completely independent domestically. However, the United States has undertaken to defend them militarily, "as if they were part of the United States." As part of this obligation the United States retains the power to veto any actions taken by the free association states which it considers to be inconsistent with its obligations to defend them militarily. While this power on paper is virtually unlimited, it is understood that it would only be used in selective and very clear circumstances. The U.S. has agreed to make certain payments to the free association states for the privilege of excluding militarily other nations from the area and for military use that the United States may make of the islands. The United States is also making available other types of economic and technical assistance.

The emergent Federated States of Micronesia had adopted a constitution modeled upon that of the United States. There is a federal government exercising enumerated powers, with residual powers retained by the four states. There is a Bill of Rights which contains all of the rights in the U.S. Bill plus a few more (e.g. an "ERA" and a prohibition against capital punishment). There is a Supreme Court of the Federated States of Micronesia which has the power of judicial review. The only major differences are that the Federal Congress is unicameral and the Federal President is elected by and from the Congress.

The challenge of keeping these four states together is an enormous one. Each state has a different indigenous language and different customs and traditions. The people are only now becoming accustomed to thinking of themselves as a nation. With the power of judicial review the FSM Supreme Court is directly at the flashpoint. History shows us also that critical junctures are reached in a federal system. Certain states, believing their vital interests are not being served by the national government, claim that the issue involved is one that should be left to states rights. How the FSM Supreme Court resolves these issues may have a lot to do with whether the Federation succeeds or not. In large measure whether the Court succeeds will depend upon whether it is perceived as sensitive to the custom and traditions of the various islands.

Custom and Law

The FSM constitution and statutes explicitly require the Courts to take customary law into account in deciding cases. This has manifested itself in a variety of cases which have required the FSM justices to exercise the wisdom of Solomon. For example, on many of the Micronesian islands there are traditional apology ceremonies which are designed to restore peace and tranquility between families. Some of these ceremonies involve giving gifts by way of restitution and drinking sakau (a sacred drink known as kava in Polynesia). Traditionally, these ceremonies were designed to put the whole matter behind. In the FSM the issue arose whether the acceptance of an apology ceremony by the victim or the victim's family would be a bar to criminal prosecution. The FSM Supreme Court said no. The Court ruled that, in this regard, the formal law and the customary law served different ends. The offense is one against the state as well as one against the individual and, as in the United States, while an individual can forgive, one cannot forgive on behalf of the state. The Court also expressed concern that on some islands powerful families might be able to coerce their victims into accepting apologies, thus avoiding deserved punishment.

In another case on the island of Truk, a young father was awakened in the middle of the night by someone loudly trying to force his way into the family house. The father grabbed his machete to protect his wife and children. Going into the living room the father discovered that the man who had forced open his door was his brother-in-law in a drunken state. The young homeowner nevertheless forced the brother-in-law out of the house with the machete, cutting him slightly on the chest in the process. The homeowner was prosecuted. His defense was that he used reasonable force to protect his home, his family, and himself. The prosecution argued that under Truk custom the brother-in-law is always welcome in a house; therefore, the young father had no right to exclude him, thus no right to use force. The FSM Supreme Court sided with the father. It held that while indeed Trukese custom did require a family to make the brother-in-law welcome in its house at any time, it was implicit in the custom that the brother-in-law present himself in a respectful and polite manner. By attempting to force his way into the house in a loud and drunken state, the victim in this case had forfeited whatever rights he had as a brother-in-law. Therefore, the defendant was justified in using force against his brother-in-law and was not guilty of assault.

A survey that the late Dr. Dan Hughes and I conducted on the isle of Pohnpei indicated that most Micronesians supported the court in the brother-in-law case but were sharply divided on the apology case. We also surveyed them on several other cases involving custom and found that generally they believed that the court was doing a good job of blending customary and written law.

These arrangements all show that people of whom the framers never heard have used the U.S. Constitution in ways never imagined at Philadelphia to build themselves governmental systems that serve their special needs while affording them the best of political freedom, legal equality, due process, and ordered liberty. That others have been able to make use of their creation, in times and places far away from 18th century North America, is a tribute to the flexibility of the document that the framers drafted and the genius that inspired them to do it.



Meet Library Director Alan Holoch

There is a new look to the Library. A new director can be found taking his turn in the new reference offices in the remodeled main reading room. "The Library exists to provide service and now we have a better service point from which to give reference help," explained that new director, **Alan Holoch**. "Today's library is not self-evident. To take advantage of our investment in information systems and multi-media materials, as well as of our burgeoning print collection, users often need help to get to the proper research tool," he continued. "We're here to provide that help." Evening and weekend reference librarian services as well as the addition of two professional librarians to the staff are testimony to his commitment to service.

Vitality and enthusiasm always evident, Alan Holoch looks simultaneously to the future and to the past. "It is a great honor to be a successor to the dean of legal research, Ervin Pollack, and a delight to follow a trailblazer like Ruth Kessler," he reflected. At the same time he eagerly anticipates helping to design a space ready to adapt to the inevitable changes of

the 21st century. In the newly designed facility he envisions a variety of study environments. "People approach research with very different styles; some need quiet privacy, some need small group discussion areas, and some need a more relaxing atmosphere. We want to be able to serve all of those people equally well. That takes imaginative design and architecture."

Noting that he inherited a top-notch staff — very service oriented, highly professional, and well-educated — he heaped praise on the groundwork laid by Ruth Kessler for increasing that staff, now eight professional librarians, including six with law degrees. The Library can now be even more responsive to its users. "There is nothing we like better than someone with a question," Professor Holoch remarked. "If the answer to the question cannot be found in our own law library, we know the library where it can," he continued. While the library collects in many areas, it can not collect widely in all. Thus Professor Holoch appreciates the good connections the autonomous law library enjoys with the main University library system.

Alan Holoch comes to the Col-

lege from the library directorship at Villanova University School of Law. He began his career at the law library of the University of Southern California where he earned his library science and law degrees. "I've always loved libraries and learning, and it is fun to get paid for what I love doing. Besides, with deference to Edwin Newman, after being raised on a midwest farm, as I was, nothing else ever seems like work!"

The Law Library is not without its problems, however. The most serious is the inadequate space which severely limits growth in its collection and services. "We have a preeminent collection here. One of the reasons I accepted OSU's offer was for the opportunity to work with a dean who has pledged his support in creating a first-rate space to keep this prestigious library among the very best in the nation," Professor Holoch noted. His experience with a remodeling project at Villanova helped him realize the importance of creating an environment with the variety of spaces to meet the needs of the many different dimensions of an up-to-date library.

Professor Holoch's activities with

More New Faces in the Library

the American Association of Law Libraries include a 1986-1989 term as Treasurer and Member of the Executive Board. In addition, he was national program chair for the 1986 Annual Meeting. For the past year he has been on a special committee of the ABA's Section on Legal Education. The mission of that committee has been to examine and begin to reformulate the law school evaluation process for accreditation. Specifically, the committee has developed a better inspection system for a library which measures quality rather than quantity. A pilot project began this fall. These national positions confer visibility on Ohio State and provide a rich resource of ideas and leadership.

One of the new service concepts Professor Holoch has introduced to the library is having each of the reference librarians work with a small pool of students in the first-year legal research class. That affords both the students and the librarians an opportunity to develop a rapport so that there will be at least one familiar face in the library when the students need assistance.

"It is exciting to be at the College of Law as it approaches its centennial anniversary. I look forward to helping it move into its second hundred years, ready for what they may bring."



George Jackson and Carole Hinchcliffe in the new reference office in the main reading room

Among the new faces at the law school this year are two new law-trained librarians. Carole Hinchcliffe and George Jackson bring the reference staff up to eight.

Carole Hinchcliffe holds her law degree from the University of Melbourne in her native Australia. Her professional library degree was earned at the University of Wisconsin, where for the past two years she has been Project Assistant for the Law Library Director and the Institute of Legal Studies. She has compiled and published two bibliographies on the American jury system, one appearing in the *Marquette Law Review*, the other in *Georgia Law Review*.

At Ohio State she is responsible for the computer and microform operations and collections. As the audio-visual and technical wizard on the staff, she is in the forefront of one of the newest and most important development in librarianship.

She is preparing a continuing education program in database and software applications. In seeming antidote to her high-tech professional interests, she spends much of her free time going back to simpler times. She is a craftswoman and an accomplished outdoorswoman. She has discovered most of the canoeing streams in Ohio, delighting in their variety and tranquility.

George Jackson has joined the staff as caretaker of the library's significant government documents collection. At the end of the day he goes to his home in a sophisticated redevelopment neighborhood amid the art galleries and night spots of the Short North. The urban environment and university library with six law-trained librarians is a dramatic change from his past two years as the only law-trained reference professional in the entire state of Montana. Weekdays he served the State Law Library as Reference Librarian. Weekends he did what one does in the vastness of Montana, he rode the range.

His earlier days were spent in large cities of the East. His undergraduate degree is from the University of Pennsylvania and both his law and library degrees are from the University of Pittsburgh.

The reference staff is both larger in number with these two friendly additions and more visible with the rearrangement of the main reading room of the library to house several librarians at the hand of the clientele. The students and other researchers find it easier to have their reference needs met with the new arrangements. All of the reference staff take turns with evening and weekend hours and all are ready to answer questions. It just seems as though Carole Hinchcliffe gets the most questions so people can hear her answer in her lovely Australian lilt.

Ruth Kessler Retires

Over the past several years *Law Record* has had a number of occasions to write about **Ruth Kessler** — as a moving force behind the computerization of the library, her appointment as acting director, her appointment as director, and now her appointment by the University Trustees as Professor Emeritus upon her retirement as Director of the Law Library.

On June 24 friends and relatives gathered to celebrate her service and pay tribute to Professor Kessler. Dean Beytagh and Associate Director of the Law Library, Tom Spaith, each gave warm remarks about Ruth Kessler's service to the legal community. *Law Record* took advantage of the event to have one last conversation with her before she moved from the Director's office into her new role as Professor Emeritus.

Always looking ahead, Professor Kessler began our conversation by exalting some of the changes Alan Holoch, her successor as library director, contemplates. We did manage to get her to look back, at least a little, and what follows are some of her reflections on her 19 years at the College of Law Library — the lab of a law school.

In the nineteen years since she walked in to ask Ervin Pollack whether there were any jobs, Ruth Kessler has held most of those possible. She has been head cataloger, acquisitions librarian, assistant director in charge of the public services of reference and circulation, and director. She has seen a fine law laboratory develop into one of the best of its kind in the country. When she began, a law school library was thought to be a collection of law books for, in the words of Professor Pollack, "members of the bar and prospective members of the bar." There was very little use outside that constituency. She saw the perception of a law library's potential service



begin to change in the mid-1970's. It could be a source of more than the traditional codes, reported cases, and legal treatises; it needed to include other related kinds of information like economics, medical science, computer law. "We had an obvious need and opportunity for the library to join in the information explosion," remarked Mrs. Kessler. And she guided us into the computer age with a clear eye and a sound hand.

The College of Law Library was one of the first in the country to subscribe to the computerized research service, LEXIS. Since that time in the mid-1970's, the electronic boom has changed the look and the operations of the library, thanks in large part to the foresight of Professor Kessler. The library now offers the use of several databases — Dialog and Infotrac, as well as text search systems — LEXIS and WESTLAW legal retrieval systems, and publication retrieval systems, Dow Jones and Vu-text, for regional newspapers.

Professor Kessler has been influential in planning the proposed library space for the building expansion. "Having been a part of the past two decades, it has been a pleasure to work with Alan Holoch to dream about how we can meet the ever-changing needs of the coming decades," she noted. While additional shelf space for print materials is needed for the vast

and increasing library of historical and treatise materials, so too is space needed for the coming library of data processing equipment for access to constantly changing material and of interactive video equipment for students to test various solutions to legal problems. The vision does not include an access terminal for every user, but rather enough to serve as computerized reference and index resources to identify the appropriate print and microform material.

In Ruth Kessler's mind the library "is a public institution, open and welcoming." Use of the Law Library expanded when other colleges in the University offered law related courses. "There is hardly a discipline on campus without a law course. The library is the best of its kind around — no wonder other students want to use it!" she mused.

Ruth Kessler looks to retirement as a chance not to do anything for a while. "I want to see what it is like to have no deadlines — not to have to be a certain place at a certain time, except the golf course. But even there I still will not have to finish by a certain time!" She and Nancy Miller shared a September trip to France and Spain. No doubt there were reminiscences about the people they have met over their years here. "I've really enjoyed the experience here, enjoyed the people. In nineteen years one meets a lot of people. I've especially enjoyed the students. Students won't let you grow old!" reflected Professor Kessler. She looks forward to watching the library "continue to grow, continue to prosper, continue to be the facility everyone can be proud of." That will be in no small part due to the legacy left by Library Director Kessler. Professor Emeritus Kessler plans to use that library as she pursues special research projects.

Visiting Faculty

The College is always enhanced by the presence of visiting faculty who add their

experiences, enthusiasms, and new ideas to the teaching atmosphere. The visitors this fall include Professor Teree E. Foster from the University of Oklahoma, here for the entire year, and William & Mary Associate Professor Lynda Butler, here for the fall semester.

Visiting Professor **Teree E. Foster** works in an office presided over by a portrait of St. Thomas More, a long-time hero of hers because he maintained his principled convictions despite enormous professional and personal risks.

Professor Foster is a graduate of the University of Illinois at Chicago Circle and Loyola University School of Law, Chicago, where she served as Editor-in-Chief of the law journal. She served as a law clerk for Judge Robert A. Sprecher of the United States Court of Appeals for the Seventh Circuit.



Teree E. Foster

For ten years Professor Foster has taught at the University of Oklahoma Law Center, specializing in Civil Procedure and Evidence, the courses she will teach during her year at Ohio State. She looks forward to her first visiting year, to see how other faculties handle institutional problems common to all law schools, as well as to

develop a fresh approach to her classroom preparations and research.

She is currently at work on an article about personal jurisdiction problems in parent/child relationship cases. The article examines the need for personal jurisdiction over an absent parent in cases concerning adoption, termination of parental visits, and determination of paternity. Her collaborator on this article, as on three others, is her husband, a colleague on the Oklahoma faculty, who specializes in family law.

A second article she expects to begin during the year involves the question of whether there should be a qualified federal evidentiary privilege for confidential communications between victims of sexual assault and rape counselors, as there is with licensed psychotherapists and physicians.

* * *

From Colonial Williamsburg to the swiftly modernizing city of Columbus comes Visiting Associate Professor **Lynda Butler** to teach Sales and Commercial Paper for the fall semester. She brings with her the soft accent of a Virginian and the sharp mind of a mathematician.

After majoring in math at the College of William & Mary and a two-year stint as a junior high math teacher, Lynda Butler entered the University of Virginia School of Law where she served as Notes Editor of the law review. She then was associated with the Washington, D.C. firm of Wilmer, Cutler & Pickering, before joining the law faculty of William and Mary, Marshall-Wythe School of Law in Williamsburg.

While she teaches in the commercial code field, her research and other teaching areas are personal and real property. At William and

Mary she teaches the first year property course as well as a seminar on Property and the Constitution, which focuses primarily on takings law.

Professor Butler has published two key articles on water rights, one in the *University of Pittsburgh Law Review* and the other in the *Illinois Law Review*, discussing the economics and ethics of water use, particularly east of the Mississippi River. She is also coauthor of a water law treatise being published by Michie. The treatise, entitled *Virginia Tidal and Coastal Law*, examines the legal issues affecting use and ownership of Virginia's tidal and coastal resources.

On her first professional visit she has found a lively classroom atmosphere and refreshingly open student-faculty relationships. She and her husband are savoring the diversity of activities, people, and restaurants that Columbus and Ohio State have to offer.

We welcome both of these vibrant faculty members to the College of law.



Lynda Butler

New Faculty



Joan M. Krauskopf is a new addition to the faculty roster this year, but Joan Krauskopf and Ohio State are not new to each other. As one of the College's most outstanding graduates, she returns to continue her contributions to this institution.

During her twenty-year tenure on the faculty of the University of Missouri — Columbia, where she was the R. B. Price Professor of Law, she taught widely in the curriculum but developed a national reputation in her field of family law. Her recent publications based on research during that period include *Cases on Property Division at Marriage Dissolution* (West 1984), *Advocacy for the Aging* (West 1983) and a 1984 Pocket Supplement, and three editions of *Law for the Elderly* (University of Missouri School of Law Continuing Legal Education and Missouri Division of Aging 1980, 1981, 1984). She also has recently written and seen published several law review articles and a number of practical guides concerning the economic effects of divorce.

She furthered her teaching experience as a Visiting Professor at the law schools of the University of North Carolina, the University of Arizona, and the University of West Virginia, where she held the Maier Chair. However, she had her first faculty appointment here at Ohio State. She was hired by former Dean Frank Strong immediately upon graduation with the class of 1957. He recognized her as a most distinguished student who had served as Co-Editor-in-Chief of the *Ohio State Law Journal*.

A highly respected scholar, Professor Krauskopf now focuses most of her family law writing on the problems inherent in the division of marital property. "A major problem for modern society is how to recognize individual choice in family relationships and to recognize each member's contribution. This often translates into studying the economic consequences of divorce," she explains. She has examined the nature and classification of property to be considered in the event of a divorce distribution. When she represented a party on motion for rehearing she succeeded in convincing the Missouri Supreme Court to issue a new decision including the spouse's pension benefits as marital property.

One principle she endorses is that *effort* is as real a contribution to a marriage as is tangible property. Effort must be considered in a property distribution. This theory led her to explore the concept in New Zealand, which, despite its more socialist nature, has matrimonial property laws similar to those in about half our states.

Professor Krauskopf and her husband, a psychologist specializing in counseling, testing, and measurement, spent the 1986 spring semester in New Zealand, interviewing judges, lawyers, and government ministers for research about the division of marital prop-

erty in divorce. The results of that research have been incorporated into an article in New Zealand's *Victoria Law Review*, to be published later this year.

Her tort law writing related to family law issues includes an *Ohio State Law Journal* article which describes tort remedy of money damages for relatives of an abducted child, to be paid by the abducting parent. On other tort issues, her writing has influenced the Missouri courts to recognize the wrongful discharge of an employee as a cause of action. "However," she recognizes, "we lawyers need to come to grips with the extent to which tort liability is imposed and the extent to which we can afford to have injuries compensated."

Professor Krauskopf enjoys teaching first-year students analysis and the basics of legal study as well as working with upper class students who can spend more time in discussion of social policy. "We have to teach students to do legal analysis as well as to learn principles of law," she declared. She tries to enhance her classes by discussing the roles played by the helping professions in legal conflicts.

Professor Krauskopf modestly keeps a perspective on her work that belies its seriousness and its potential impact on society and the economy. With characteristic good humor she smilingly remarked, "like Don Quixote, I think I sometimes tilt at windmills." However, her contributions are not illusory. Her work in the field of marital property distribution could affect the economic well-being of a divorced homemaker as more states adopt her theory of contribution to family wealth.

A move at this stage in her career meant leaving a named professorship and an idyllic country setting with its pond and hiking trails out the front door. But a new environment and new

challenges lie ahead. She gladly seized the opportunity to come to a state law school in a state which gives so much regard to higher education. "From talking with a number of sources I concluded that this university and this law school have a good chance of achieving their goals of greatness," she declared. Joan Krauskopf will help attain those goals.

After a summer exploring the South Seas, the Krauskopfs are eager to settle in what they have discovered to be a highly liveable city. Professor Krauskopf says she is glad to be a part of the excitement and optimism of the University and Columbus. So are we.



Sanford Caust-Ellenbogen comes to the profession of teaching law from a background of City & Regional Planning, analyzing governmental policies with the Boston-based consulting firm of Charles River Associates. As an economic consultant he often served as an expert witness in litigation and noticed that the lawyers had all the fun — they had the chance to learn the various fields of the deponents in order to take effective depositions, and, in effect, had to become experts themselves in those areas. This piqued Mr. Caust-Ellenbogen's

interest in the law.

Yielding to what he refers to as the "push & pull" — the push out of city planning which he saw as getting too technical and too far removed from the actual problems facing society, and the pull toward the mental stimulation of practicing law and the opportunity to use many of his already developed skills in solving the real-life problems of clients as an attorney, Sandy Caust-Ellenbogen entered law school at New York University. There he distinguished himself as an editor of the law review and key member of the Supreme Court Project.

A born and bred New Yorker,

he enjoyed the rather aggressive atmosphere he found in law school. He also acknowledges a unique characteristic — "I liked the crazy process professors put students through, trying to get us to think in new ways." His enjoyment of that stimulation process helped him to change his mind from his original expectation of working in a major law firm and to consider academia as the perch from which he could most fruitfully explore the issues which interest him the most. Administrative law, drawing on his five years of experience analyzing

the functioning of government agencies and programs, as well as federal courts, calling on his experience as a clerk for Judge Harry T. Edwards on the United States Court of Appeals for the D.C. Circuit, and conflicts of laws are the areas in which he intends to concentrate.

During his year with Judge Edwards, himself a former law professor, Mr. Caust-Ellenbogen had the opportunity to reflect on his year of practice with the New York firm of Davis Polk & Wardwell and on the law school experience he so relished, and the College of Law reaps the benefit of his decision to pursue a career in legal education. This first year Professor Caust-Ellenbogen will teach Civil Procedure and Administrative Law.

He finds his colleagues and the environment created by the faculty a happy duality of the freedom to explore one's own interests without being forced into particular directions and a collegial atmosphere of discussion and respected interchange. "The student body is a first rate bunch of individuals interested in what they are doing. The city is a highly liveable place, especially with young children. So far," he declares, "I am thrilled with my decision to go into legal teaching and with OSU as a place to begin that endeavor."

Faculty News Items

Francis X. Beytagh attended the annual meeting of the Association of American Law Schools in Los Angeles in January where he had the opportunity of meeting with area alumni. In February he went to the American Bar Association mid-year meeting in New Orleans and later in the month he spoke on the Bicentennial of the U.S. Constitution at the James Stewart Lantz Humanities Colloquium at Upper Arlington High School. Throughout the year he made a number of other presentations in person and for the media on the U.S. Constitution.

During the Law Week celebrations sponsored by the Columbus Bar Association, Dean Beytagh and Capital Law School's Dean Josiah Blackmore, '62, opened their acclaimed "Federalist/Anti-Federalist Debate." A reprise occurred in September after the Annual Return Luncheon. Dean Beytagh delivered the keynote address, "Rekindling Professionalism" at the annual Bench/Bar retreat of the Columbus Bar Association. In May he moderated a panel at the Ohio State Bar Association's annual meeting on the "Regulation of Legal Education." He was speaker for the Supreme Court of Ohio admission ceremony for new bar admittees in May.

During the summer Dean Beytagh attended the Annual Judicial Conference of the Sixth Circuit U.S. Court of Appeals in Grand Rapids, and the ABA annual meeting in San Francisco. He delivered a paper, "The Irish Constitution and Equality," at the annual meeting of the American Political Science Association in Chicago in September. He has been appointed to a three-year term on the AALS Committee on Academic Freedom and Tenure and to a membership of the CBA's Judicial Campaign Review Committee.

He had several opportunities to

meet with alumni at events in Houston, the Bay Area, Cleveland, and various other Ohio cities.

Michael Braunstein has had his article "All That Glitters: Discovering the Meaning of Mineral in the Mining Law of 1872" published in Vol. XXI, No. 2, *University of Wyoming Land and Water Law Review* (1986). The LawLine database he has compiled with Catherine Mealey of the University of Wyoming is in use at more than 45 law schools. He is working on the 1988 version.

Professor Braunstein is currently writing an article dealing with the economic analysis of the statute of frauds.

Linda Butler delivered a paper entitled "The Ethics of Water: Competing Concepts of Ownership and Stewardship" at a Humanities Conference on Water Resources which met in Fredericksburg, Virginia in October. The conference was sponsored by The Institute for Resources, History and Policy, George Mason University. She is also coauthor of *Virginia Tidal and Coastal Law*, which is being published by Michie.

Nancy Erickson, continuing as the Richard J. Hughes Distinguished Visiting Professor, Seton Hall Law School, has had her article with Nadine Taub, "Les 'Women's Studies' en Droit aux Etats-Unis: un entretien avec deux professeurs de droite feministes" published in 57/58 *Actes* 52 (Paris 1986-87).

She delivered a speech entitled "Women and the Constitution" at Moorhead State University as part of a lecture series on the Bicentennial, funded by the Bush Foundation, and at Stockton College. She also spoke on "Sexism in Casebooks" at the 1987 Symposium on Law Teaching at the University of Maryland Law School in Baltimore.



Professor Fink

The second edition of **Howard Fink's** casebook *Federal Jurisdiction: Policy and Practice*, of which he and Georgetown Professor Mark V. Tushnet are coauthors, was published by the Michie Co. in November 1987.

In July Professor Fink taught in the fourth Ohio State/Oxford prelaw course at Somerville College at Oxford. In September he participated with three other professors in a meeting of the Association of American Law Schools in Washington, D.C. to plan a week-long conference on the teaching of civil procedure, to be sponsored by the A.A.L.S. at the University of Virginia in June 1988.

In October he and Georgetown Professor Tushnet spoke at Vanderbilt University School of Law on "Current Issues in Federal Jurisdiction and Practice."

Professor Fink continues to chair the College's Planning Committee. In order to prepare to hire an architect for the major addition and refurbishment of the College now planned, he and other members of the committee are visiting several law schools which have recently built new buildings or significant additions to their present buildings.

Arthur Greenbaum has offered a new seminar on Professional Responsibility, designed to examine the issues more deeply than is possible in a large one-hour course. In the summer of 1987 he began teaching Pleading and Practice for the BAR/BRI Ohio Bar Review course. During the academic year he and his wife welcomed the arrival of their first child.

Sheldon Halpern has completed work on a casebook entitled *Protection of Personality Interests: Cases and Materials on the Law of Defamation, the Right of Privacy, the Right of Publicity, Moral Right*. His article "Application of the Doctrine of Commercial Impracticability: Searching for 'the Wisdom of Solomon'" was published in the *University of Pennsylvania Law Review*, Vol. 135, No. 5 (June 1987).

John P. Henderson attended meetings of the Midwest Association of Prelaw Advisors at Denison University in April and at the University of Wisconsin in October. Dean Henderson is the Law School Admission Officers' liaison with the Midwest Association of Prelaw Advisors.

In early October he made a presentation at the annual conference of Region IV of the National University Continuing Education Association meeting in Columbus entitled "Understanding Perspectives of Professional Schools." He serves on the Board of Trustees of the Ohio Legal Center Institute.



Professor Herman

Lawrence Herman became the first director of the College's summer program for law students in Oxford, England. Offered jointly by the College and Oxford's Department for External Studies, the program was located at St. Anne's College and ran from July 2 through August 7. The curriculum consisted of two courses: a criminal procedure course offered by Professor Herman and a course in comparative legal profession offered by Dr. Christopher Whelan of Oxford's Center for Socio-Legal Studies. Twenty two students enrolled in the program. While he was in Oxford, Professor Herman was a guest lecturer in Professor Fink's Oxford prelaw program.

Professor Herman has become a founding member of Alpha Epsilon Chapter of Phi Beta Delta Honorary Society for International Scholars.

An article written by Professor Herman will be published in the October issue of *The Ohio State Law Journal*. Based on a speech he gave at Ohio University, the article, entitled "The Supreme Court, the Attorney General and the Good Old Days of Police Interrogation," hypothesizes the overruling of *Miranda v. Arizona* and speculates about the identity and workability of a substitute doctrine.

During the spring Professor Herman participated in a debate on the death penalty at a regional conference at Ohio Dominican College. Recent media interviews have included *Nation Magazine*, Associated Press, and the Washington office of the *Cleveland Plain Dealer* on the subjects of the death penalty and the privilege against compulsory self-incrimination.

Timothy Stoltzfus Jost and his coauthors have seen both the casebook and the teacher's manual of *Health Law, Cases, Materials & Problems* published by West Publishing Company. His article "The Justice Department's Settlement Policy—Is 'No Deal' a Bad Deal?"

appeared in *Litigation*, (Journal of the Section of Litigation of the American Bar Association), Vol. 13, No. 3 (Spring 1987).

Professor Jost's speaking engagements have included the American Society of Law and Medicine Conference, and an ABA and Administrative Law Conference on Medicare Appeals. He is currently working on an article on health care quality regulation to be published in a health law symposium in the *Houston Law Review* in the spring.

Professor Jost was recently appointed by Governor Celeste as a member of the Ohio State Medical Board.

P. John Kozyris has had three articles published recently: "The Nullity of Patents: U.S. National Report", Vol XXXIV, 1986 Supplement, *The American Journal of Comparative Law*; "Choice of Law for Products Liability: Whither Ohio?" 48 *Ohio State Law Journal* (1987); and "Preferential Treatment As a Means to Achieving Equality: Review of U.S. Practice on Affirmative Action", 2-3 Rev. Hell. Dr. Europeen 279-297 (1986) (in Greek). He is currently putting the finishing touches on an article entitled "Corporate Takeovers at the Intersection of Federal and State Law: Protecting the Free Market Through Limited Preemption."

In October Professor Kozyris served as moderator at the Ninth Investment and Trade Conference on Doing Business with Greece, held in New York City.

Joan M. Krauskopf serves as Chair of the AALS Workshop on Teaching Family Law to be held in March 1988. She attended the planning session in Washington, D.C. in September. Her article "Classifying Marital and Separate Property" has been published in Vol. 89, No. 4 *West Virginia Law Review* (Summer 1987).

Professor Krauskopf is the chair

of the Nominating Committee of the AALS's Family Law Committee and is currently selecting the slate of new officers. She attended the Board meeting of the NOW Legal Defense and Education Fund on November 7 and 8 and remained to confer with staff in the role of Administrative Vice-President. She is also editor for the summer issue of the ABA Family Law Section's *Family Advocate* and is in the process of recruiting authors.

This summer, she received a special recognition for distinguished graduates at the 300th commencement of The Ohio State University.

Stanley K. Laughlin has made a number of presentations in connection with the Constitution's Bicentennial, looking at issues of foreign policy and the Iran-Contra Affair and their constitutional implications. He has also addressed forums on the ethics and problems inherent in the concept of informed consent. In April he presented "The Role of the Professional in Helping Youth Shape Values" to the Commission on Interprofessional Education and Practice.

Professor Laughlin's chapter with Daniel T. Hughes "The Rational and The Reasonable: Dialectic or Parallel Systems?" was published in Golden and Pilotta (eds.), *Practical Reasoning in Human Affairs*, Reidel Publishing Co. (1986). An abstract of the chapter will appear in *The Philosopher's Index*. An abridged version of his article "The Burger Court and The United States Territories" can be found in *The Law Review Digest*, April 1986.

As part of his College service, Professor Laughlin continues as advisor to *The Ohio State Law Journal*. He served on the ABA Inspection Team, Georgia State University College of Law.

James E. Meeks has finished the manuscript for a chapter on inter-

spousal immunity to the included in a book on automobile accidents.

In his speciality area of the regulated industries, he delivered a lecture to a management training program of American Electric Power. In November he participated as a panelist for a Franchise Law Symposium, dealing particularly with antitrust issues.

During the summer Professor Meeks led a group of lawyers on a comparative legal systems tour of Southeast Asia for the People-to-People Program. The group, including Kermit Sitterly, '35, Hyles Hilliard, '48, Judge William Drennan, '38, and James Mahoy, '52, visited Thailand, Malaysia, Singapore, Hong Kong, and China.

Lee Modjeska has completed the manuscript for *Employment Discrimination Law 2d*, a comprehensive treatise on the federal statutory and constitutional law of employment discrimination. The book will be published in Spring 1988 and is designed for use by bench, bar, and academia. He is currently writing an article on federalism and labor relations, and an article on the labor and employment law decisions of the last Supreme Court Term.

He has also started to write a comprehensive, multi-volume treatise on federal labor relations law.



Professor E. Murphy

Earl Finbar Murphy serves on the Water Policy Advisory Group in the Ohio EPA, which advises

the agency on its strategies under the groundwater and drinking water requirements of various federal programs. He has continued serving on the faculty of the Tropical Renewable Resources Program in the OSU School of Natural Resources. In the spring he went to Cleveland for the Globescope Conference, sponsored by Cleveland State University and the Global Coalition for Tomorrow, a coalition of over 30 environmental action organizations.

In June, as past president, he attended the General Assembly of the World Society for Ekistics, Athens, Greece.

During his sabbatical year, 1986-87, he worked on the topic "What is Property?" out of which he plans to produce a book. At OSU he also served on the executive committee of Phi Kappa Phi, a national honorary; he has been reelected to the committee for 1987-88.

At its organizational meeting in September Professor Murphy was elected Chair of the External Affairs Subcommittee and a member of the Steering Committee of the Ohio Inter-Agency Ground Water Public Advisory Council (IGWAC). The External Affairs Subcommittee deals with legislative proposals review and recommendations for administrative rulemaking concerning groundwater in Ohio.

He attended the 12th Annual Mineral Law Seminar sponsored by the Mineral Law Institute, College of Law, University of Kentucky, in cooperation with the Natural Resources Law Section, Kentucky Bar Association, meeting in Lexington in early October.

During spring travel **Joanne Wharton Murphy** attended the June meeting of the General Assembly of the World Society of Ekistics held in Athens, Greece.

As a member of the Society she was elected to the Executive Council. The Society is an interdisciplinary and international organization involved with the study of human settlements. Her membership is based upon her interest in the interplay of credit and finance in urban planning and development. This fall she offered a new seminar in Legal Problems of International Finance.

She chairs the Financial Planning Interest Group of the Faculty Women's Club of which she has been past president. She is also active in fund raising for the YWCA of Franklin County. Dean Murphy coordinated various alumni activities scheduled over the fall.

A teaching book on Secured Transactions by **Robert J. Nordstrom**, Professor Emeritus; **Albert J. Clovis**, Newton D. Baker Professor of Law and Associate Dean; and their coauthor, **John E. Murry, Jr.** of the University of Pittsburgh was published earlier this year by West Publishing Company.

John Quigley's article "Complicity in International Law: A New Direction in the Law of State Responsibility" appears in the recently issued *British Year Book of International Law*, Vol. 57 (1986). This is the first article to explain a new doctrine in international law that holds a state responsible for providing material assistance used by another state to violate international law. Under the doctrine, a state that gives military or economic aid to another state is responsible to states or peoples injured by the donee state using these resources if the donor state is aware of the use to which the resources will be put.

His media activities have included answering call-in questions on "The International Whaling Commission's Ban on Commercial

Whaling" and "Legal Issues in the Arab-Israeli Conflict." He has recently delivered papers in Washington, D.C. at the International Studies Association on "The Palestinian Question in International Law: An Historical Perspective" and in Kuwait at the Arab Lawyers Union convention on "United Nations Consideration of the Palestine Question." He lectured at Kenyon College on "National Security."

He received a Mershon Center National Security Faculty Award to write an article entitled "Eliminating Terrorism: A Law and Justice Approach."

Rhonda R. Rivera, who was on sabbatical leave in 1986-87, gave a number of major presentations around the country on AIDS. Among her major addresses were "AIDS and the Military" and "AIDS Issues on Campus" at the 5th National AIDS Forum, Los Angeles. She was also speaker on the topic "Crisis Management: AIDS, Civil Liberties, and the Role of the State" at the Chicago Conference on Sexual Orientation and the Law, sponsored by the University of Chicago Law School. She spoke on "AIDS, Gays, and the Constitution" at the Integrative Studies Festival sponsored by Otterbein College.

As a member of the OSU President's Task Force on AIDS, she made numerous presentations on AIDS to various University constituencies. She has also presented legal and insurance aspects of the topic to other groups, including a number of religious denominations, community and business groups, and bar associations.

She serves as Vice-Chair of the Task Force on AIDS for the Episcopal Diocese of Southern Ohio.

Professor Rivera contributed chapters to two new publications during the year. Her chapter on

"The Military" as part of the section "AIDS in Institutions" appears in *AIDS and the Law, A guide for the Public*, edited by Dalton, Burris, and the Yale AIDS Law Project, published by Yale University Press, 1987. "Legal Aspects of Gay/Lesbian Parenting" is found in a new work published by Praeger, *Gay and Lesbian Parents*, F.W. Bozett, ed., 1987.

She continued teaching the second year course on Legal Writing during her sabbatical year and has developed a new first year legal writing course.

Nancy H. Rogers spoke on teaching ethical and policy issues in dispute resolution at a May conference on that topic for law teachers held at St. Louis University School of Law. She was part of a panel on the Multi-Door Courthouse at the annual meeting of the Ohio Judicial Conference in September. During the spring she spoke on Small Claims Court mediation to a conference on alternative dispute resolution sponsored by Kent State University. She also served as a mediator for the federal court Settlement Week program in Columbus.

With her coauthor, mediator Richard A. Salem, she has completed the Instructor's Manual and three teaching videotapes to accompany the law student text they wrote, *A Student's Guide to Mediation and the Law*. The text was released in August 1987 by Matthew Bender. Her chapter on mediation in Baldwin's *Ohio Domestic Relations Law* was published in the new edition in August. She continues work on a treatise for practising lawyers entitled *Mediation and Other Forms of Consensual Dispute Resolution*, to be published by Lawyer's Coop.

Morgan Shipman made several presentations to the Ohio General

Assembly on proposed legislation affecting corporations. He was actively involved on behalf of Ohio Sub. Senate Bill No. 50, which was enacted to deal with poison pills and other takeover defenses. Later he testified and lobbied against Ohio H.B. 291, regulating greenmail, which was later passed by the House of Representatives in a heavily modified version.

His recent publications include "In Defense of Reasonable State Regulation of Tender Offers," 53 *Brooklyn Law Review* 99 (1987) and "Corporate Takeovers: Legislative and Related Developments in Ohio," in *Ohio Lawyer* (May/June 1987).

During the spring he addressed the Stark County Bar Association in Canton on the topic "Malpractice by Lawyers." He addressed a workshop at the Annual Meeting of the National Association of Over The Counter Companies held in Washington, D.C. where his topic was "Trading by Corporate Insiders."



Librarian Spaith

Thomas Spaith, Associate Director of the Library, gave a paper on the "Simplified Citation Form According to the *University of Chicago Law Review*" at the Spring Meeting of the Ohio Regional Association of Law Librarians in May. The law review staff at Chicago recently came out with a competitor to the *Uniform System of Citations* (the "Blue Book") called

the *University of Chicago Manual of Legal Citation* (the "Maroon Book").

Gregory Travalio, on sabbatical leave for 1987-88, is completing an article on §4-212 of the U.C.C. The article will review and critique recent cases dealing with attempts by banks to charge back unpaid checks to their customers' accounts after the time period established in Article 4.

His article "Pay Up or Shut Down: Some Cautionary Remarks on the Use of Conditional Entitlements in Private Nuisance Cases," appears in Vol. 38, No. 2 *University of Florida Law Review* (Spring 1986).

Professor Travalio has been elected to the University Athletic Council for a three-year term. He is completing a term as Chair, University Rules Committee. He continues as Chair, Ohio Jury Instructions U.C.C. Drafting Committee. He was recently promoted to Major, Judge Advocate General's Corps.

Douglas Whaley has happily returned to the classroom after a sabbatical year. He returned to law school theatre by producing Gilbert and Sullivan's *Trial by Jury* in November with Professor Herman as the Judge.

In October he lectured on "The Law of Checking Accounts" in Indianapolis and will repeat this lecture in Miami Beach in February.

Currently he is completing a law review article on bankruptcy, "The Dangerous Doctrine of *Moore v. Bay*." He anticipates March 1988 publication of the Second Edition of his casebook: *Problems and Materials on Negotiable Instruments*.

David Williams II was a panelist for the Harvard Business School Club of Detroit on "Choice of Business Entity after the Tax

Reform Act of 1986." In September he was speaker at the David Payne Accounting Firm Tax Planning Seminar in Chicago, speaking on "The IRS Appeals Process." In October he spoke at the Ohio A. Phillip Randolph Conference on "The Average American and the Tax Code." He works with the State of Ohio's International Trade Division to encourage trade between Ohio and Africa.

Charles Wilson continues to research and write about the Ohio Public Employees Collective Bargaining Law. He served as an expert witness before the State Employment Relations Board earlier this year. Frequently he appeared on media programs discussing the law during the Central Ohio Transit Authority strike.

He is studying ways of improving the system for handling individual consumer complaints against utility companies for the Ohio Consumers' Counsel. He is currently at work with Professor Fink on a new book on the Ohio Rules of Civil Procedure.

Professor Wilson served as a volunteer mediator for civil suits during the Columbus Bar Association's Settlement Week. This spring he will teach an interdisciplinary course on dispute resolution. He is the faculty advisor for the College of Law's team in the ABA's Negotiation Competition.

In October he presented a paper on "Recent Labor Law Decisions of the U.S. Supreme Court" at the 1987 Midwest Labor Law Conference. The Conference intends to publish the paper.

Moot Court



Moot Court final Judges Nelson and Batchelder

Lawyers have long respected the Moot Court experience afforded students by programs in the nation's law schools. The 1986-87 first-year program not only gave experience in writing and oral argument to each first-year student, but also demonstrated

how the Moot Court program can address an issue of professionalism. The problem concerned violation of certain Disciplinary Rules of a fictitious state, rules having to do with attorney solicitation.

The final round of arguments took place before a distinguished panel of judges. Presiding was Judge **Damon J. Keith**, U.S. Court of Appeals for the Sixth Circuit, joined by fellow Sixth Circuit Judges **Gilbert S. Merritt** and **David A. Nelson**, Judge **Alice M. Batchelder** of the U.S. District Court, Northern District of Ohio, and Justice **Andy Douglas**, Supreme Court of Ohio.

First-year students **Susan Gabriel** and **Rex Littrell** represented petitioners and **Philomena Dane** and **Carol Demmler** argued for respon-

dents. Final honors for the program went to **Philomena Dane** as Best Oralist and to **John Landolfi** for Best Brief. Two other students received honorable mention for their briefs, **David Sanders** and **Bradley Sprayberry**.



Justice Douglas congratulating best oralist Mimi Dane, Judge Keith looking on

Law Journals

The quality of the College's two law journals is closely tied to the talents and commitment of the student editorial board members. Annual spring rites are the banquets for both the *Ohio State Law Journal* and the *Ohio State Journal on Dispute Resolution* at which time recognition is given for outstanding leadership and writing contributions, and editorial management officially is passed to editor successors.



'86-'87 Editor-in-chief, Tim Sweeney, 6th circuit Judge Alan Norris, and '87-'88 Editor-in-chief, Bernadette Bollas, at Law Journal banquet

honored Alan E. Norris, Judge, United States Court of Appeals for the Sixth Circuit, as the guest speaker. Judge Norris shared some personal observations and impressions based on his recent move from the state to the federal judiciary. Faculty, students, guests, and former Journal members were in attendance. Student awards were presented by **Timothy F. Sweeney**, 1986-87 editor-in-chief, to graduating students **Julie Dunwell**, **Shane Egan**, **Kimberly Rye**, and **James Underwood** and to second-year students **Bernadette Bollas** and **Theodore Claypool**.

Bernadette J. Bollas, 1987-88 editor-in-chief of the *Ohio State Law Journal*, lauded her predecessors and set out an ambitious agenda for the new editorial staff. Ms. Bollas well understands goals and achievement. She has excelled throughout her academic career as demonstrated by law school honors for academic excellence at the end of her first and second years, a Moot Court first-year best brief



'86-'87 Editor-in-chief of the *Journal on Dispute Resolution*, **Natasia Markakis**, turning over editorship to **Jeffrey Helmick**

award, and the Law Journal second-year writing award. She is a graduate of Notre Dame University, where she was elected to Phi Beta Kappa, and spent several years working in journalism in Washington, D.C. and with the Ohio General Assembly before entering the College. The 1987-88 staff published its first issue in November 1987 and has plans to expand to a five issue year.

The *Ohio State Journal on Dispute Resolution* held its spring banquet at the refurbished Great Southern Hotel. **Douglas L.**

At its banquet at the Faculty Club, the *Ohio State Law Journal*

Williams, a 1980 alumnus and former member of the faculty, was the guest speaker. He discussed with students the importance of good client relationships, lawyering qualities that instill trust and confidence, and how to handle the (infrequent) losing case.

Anastasi N. Markakis, outgoing editor, outlined the highlights of the year, including favorable faculty recommendation for permanent funding for the recently organized

journal. Ms. Markakis summarized the feelings of those students who have pioneered the funding of the new journal. "I hope that all of us, after we have left the College of Law, will have the courage, determination, and commitment *again* to become leaders of new movements — movements that challenge current thought and procedures and propose new alternatives and innovations to our methods of doing things."

An award was presented for writing the best student note to *Katherine Shanabrook*, a second-year student.

Jeffrey Helmick, a graduate of the University of Michigan and the 1987-88 editor-in-chief, introduced the new editorial board and the publication goals. The first of the 1987-88 editorial board's two planned issues is scheduled for release in January 1988.

Hooding

Outstanding Professor

Professor *David Goldberger*, Director of Clinical Programs, Constitutional Law scholar, and civil libertarian, was enthusiastically acclaimed by the Class of 1987 as Professor of the Year. His remarks at the Hooding ceremony addressed the graduates in their new status as former students. He admonished them to rediscover their common sense. "As faculty members we have tried to challenge the stereotypical ways you look at issues. It may seem as though we require you to renounce common sense. Now it is time to reclaim that important characteristic." He noted that the best judicial opinions and solutions to problems have a common sense basis. Acknowledging Justice Brennan and his brother on the Court Justice Blackmun, who has also visited the College of Law recently, Professor Goldberger commended their decisions to the graduates for the common sense dimension the justices wisely bring to their perceptions. "Just as there is the need for the tools of legal analysis, so is there the need for common sense," he concluded.

Awards

As is customary at graduation exercises, a number of awards were bestowed on students at the May 17 Hooding Ceremony, recognizing outstanding service, contributions, and leadership as law students. The following students received awards:

Timothy F. Sweeney, the John J. Adams Memorial Leadership Award; *Smith R. Brittingham*, the George R. Beneman Memorial Moot Court Award; *Donald L. Vanterpool*, the Banks Baldwin Clinical Program Award; *Linda L. Ammons* and *Anastasia N. Markakis*, Dean's Special Awards for outstanding services to the College; *D. Shane Egan* and *Kimberly A. Rye*, the Denis B. Eastman Memorial Law Journal Award; *James M. Underwood*, the Law Journal Past Editors' Award; *Julie A. Dunwell*, the Rebecca Topper Memorial Law Journal Award; *Diane C. Current* and *Pamela J. Ruschau*, the Topper Eagle Moot Court Award.

Posthumous Degree

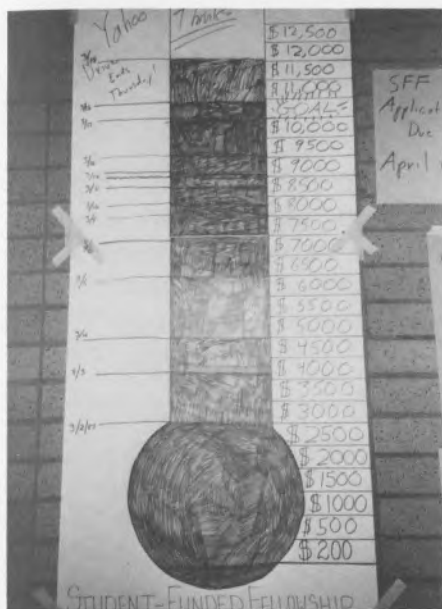
On such an occasion as a Hooding Ceremony, each participant takes a moment to look back over the years leading up to the occasion, to the roads traveled, the mountains climbed, and most of all the people with whom the challenges and the joys were shared. Many members and friends of the Class of 1987 will

remember with deep poignancy one of their number, *Thomas Eugene Muth*. Tom could be at the Hooding Ceremony only in spirit. He died of a sudden heart attack one October evening after classes.

As a lasting remembrance of Thomas E. Muth's presence, contributions, and achievements, the College of Law invested his wife, Sandra, with the Juris Doctor Hood, and in the name of the Board of Trustees of The Ohio State University, conferred on him posthumously the degree of Juris Doctor.

Tom was an extraordinary member of the class. He was a veteran of the Viet Nam Conflict, an airborne infantry leader, and an experienced family farmer. During his law school years he worked with the Ohio Cooperative Extension Service as a legal research assistant, yet he had time to help anyone who needed him. He returned to northern Ohio on weekends to be with his wife and school-aged children. He had been offered a job in the Bankruptcy Court in Cleveland. He had much to look forward to.

His many friends have organized a fund to help send Tom's children to college with reversion to the College of Law to support scholarships for non-traditional students. Contributions to the Thomas E. Muth Memorial Fund may be sent to Ms. Virginia H. Lohmann, c/o Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215. Tom Muth will continue to help those in need.



*Students helping students — that's the thrust of the Ohio State College of Law Student Funded Fellowship (SFF). This simple concept raised over \$11,000 in 1987, enough to provide six students with public interest law jobs over the summer. **Rachelle Cohen**, a second-year student from Dayton, held one of those six fellowships and wrote the following article.*

Many students want to practice public interest law, but due to lack of money cannot always pursue jobs in that sector. **Bill Pohlman**, '88, SFF Chair, said the purpose of SFF is to provide opportunities for students interested in helping in the public sector with a minimal amount of financial sacrifice.

Ohio State law students are invited to contribute 1/2 of one day's wages, approximately one percent of their summer job salaries, to the SFF. These contributions provide a supplement, or in some cases the entire summer's earnings, to fellow students who then have the chance to work in low-paying public interest areas.

According to Pohlman nearly 40% of the Ohio State law students made contributions to SFF this year, setting a record high for the four-year-old program. The goal for next year is both to make more money, in order to offer more stipends, and also to have at least 50% of the class contribute.

Debbie Katz, '89, a dual-degree law/sports management student, used her SFF funds to break even for a summer in New York City, working for the Women's Sports Foundation. The foundation supports and promotes opportunities for girls and women in athletics. The non-profit foundation

Student Funded Fellowship

needed a person to do legal research but could afford to pay only \$200 per month. That amount covered her transportation to and from New York and her transportation within the city. SFF gave Katz the funds to afford her summer in New York and put her education in both law and sports management to work.

"Sports are something that everyone should have the opportunity to participate in on any level, as player, trainer, coach, or administrator," said Katz.

Katz said she spent a good portion of her summer researching Title 9 and its current status. She then had the opportunity to help create an advocacy program which is currently lobbying for a bill in Congress.

Joe Buckley, '88, a third-year law student from Cleveland, has received SFF for the past two years for a more conventional type of public interest law with the Cuyahoga County Public Defender's Office. SFF matched what the Defender's Office was able to give Buckley, so he could afford to work with the type of law for which he went to law school.

Working in the felony division, interviewing clients, and writing motions enabled Buckley to gain valuable work experience that won him an offer to work with the Defender's Office upon graduation.

"It's not the type of job to make you rich, but if you enjoy it, it means more than making money," Buckley declared. Public Defenders work for indigents and clients who otherwise cannot get legal representation, thus it is truly a public interest job, and the type Buckley prefers.

Second year student **Ken Wine**, '89, found public interest law to be his preference as well. "In public interest law you have responsibility right off the bat," explained Wine. "No spending years in the trenches, you're right up on the battle field with great responsibility. It was exciting."

Working for the American Civil Liberties Union (ACLU), Wine spent much of his time drafting opening and closing statements, researching, and assisting an attorney for trial — a trial which the ACLU won.

Raleigh Hahn, '88, and **Rachelle**

Cohen, '89, spent their summers at the Ohio Attorney General's Office. Hahn did not go to Court, but rather to the forum she preferred, the mediation table. Hahn and Cohen spent the summer working in the Consumer Protection Division on a pilot mediation program. Thousands of consumer complaints come into the consumer protection division each year, and the resources do not exist to take action on them all, explained Hahn. Mediation is an alternative way to give some consumers an opportunity to solve their problems outside of the traditional legal system.

Whether through alternative dispute resolution or through a traditional courtroom trial, both Hahn and Wine had a chance to help people who need public service law. It is a chance neither would have had but for the existence of SFF. The ACLU did not have money for a legal intern last summer, Wine explained. "I could have had a volunteer job with the ACLU, but because of SFF I had a full-time job there. I can't thank SFF enough."

Kandie Moore, '88, used her summer fellowship to work with the Columbus Tenants' Union, an organization that exists solely through the large efforts of a number of volunteers and on small membership fees from the tenant members.

Her responsibilities included assisting clients by explaining their rights, responsibilities, and options in their relationships with landlords. She also concentrated on developing greater resources for the Tenants' Union by recruiting both volunteers and new members and by writing funding proposals.

Her work this summer led her to a school-year position with the Franklin County Prosecutor's Office where she is trying to effect the kinds of changes she sees necessary to bring case law in line with statutory law on landlord/tenant matters.

While all SFF recipients will not necessarily practice in the public sector when they finish school, all six considered their summer experiences highly valuable and appreciated the opportunities to advance public interest law.

New Oxford Program for Law Students

“The best experience of my life!” is how **John Paliga**, '89 described his summer in Oxford. Other students echoed his enthusiasm when discussing the Ohio State Summer Program for Law Students inaugurated by Professor Lawrence Herman and twenty-two students this summer at St. Anne's College, Oxford University. The students, from four different law schools, cohered into a supportive and intellectually challenging body. While their views of the law may have been disparate, their friendship and respect for each other helped them each to forge those views.

“Immersion in the British culture helped us see comparative laws through different eyes. If we had studied these same courses in America, we would have seen primarily an American perspective.”

John Paliga, '89

The students each took two courses, Criminal Procedure: Police Evidence-Gathering Practices, taught by Professor Herman, and Comparative Legal Professions, taught by Dr. Christopher Whelan of the Center for Socio-Legal Studies, Wolfson College, Oxford. Guest lecturers provided a deeper understanding of the comparative aspects of the courses from a perspective difficult to get at home. “We have a truer appreciation of search and seizure in Britain after hearing from an Oxford Police Inspector,” commented **Stephanie Hager**, '88.

While the atmosphere in some respects may have seemed less formal and more intimate than a traditional law school setting, it was a program for serious study and the students thrived in the culture on which our law is based. Discussions continued long past the class hours, to the lunch tables and into the pubs. The students all commented on how awe-inspiring it was to walk the same paths, sit in the same

“It was much more interesting to take comparative professions while steeped in the culture we were comparing with ours.”

Stephanie Hager, '88

chairs, and eat at the same tables as so many notable predecessors.

The courses met for about three hours each weekday, leaving afternoons free for excursions which were often planned by the young Oxford Dean attached to the program. Not only did the students explore the Oxford environs and take in “Twelfth Night” in the bard's own town of Stratford, but they had extraordinary tours of parts of the Houses of Parliament not normally open to the public. The highlight for everyone, including Professor Herman, was the visit to the Middle Temple of the Inns of Court. There the group was served an elaborate midday meal at the high table, customarily reserved for the most senior barristers. The table itself was made from a tree that Queen Elizabeth had had floated down the Thames for the purpose.

“We were remarkably fortunate to have very special treatment and an elaborate meal at the high table of The Middle Temple of the Inns of Court.”

Dan Roberts, '88

The sixteenth century oaken roof on Middle Temple had survived the incendiary bombs of World War II, though the back end of the building had been bombed out and was repaired, in part through donations from the American and Canadian Bar Associations.

During the weekends students dispersed in small groups for theatre trips to London, pony-trekking in



Summer Program students enjoying Oxford's environs

Wales, forays through the Cotswolds or Devon and Cornwall, or pondering the Druids and the thousands-years-old wonders of Stonehenge. In the words of **Dan Roberts**, '88, "One Sunday evening we were talking about what each of us had done that weekend—Scotland, London, Cambridge—it was truly awesome to think of

"It is overwhelming to think of the history and of who had been there before us in those beautiful Wren buildings."

Julie Petrick, '89

what was so nearby and accessible."

About thirty students will have the opportunity of marveling at the living history that is Oxford during the summer of 1988 when the program is enlarged to three course offerings. Professor Michael Rose will join Professor Herman and their English counterpart. The students will select two of the three courses. They will go with the unqualified encouragement of the first twenty-two who share John Paliga's summary of the program: "It opened my eyes about what the law can be."



Site of the 1988 Pre-law Program



Punting on the Cherwell River, Oxford

Pre-Law Program Continues

Simultaneously across the road from the new Ohio State Summer Law Program, Professor Howard Fink continued his highly successful Oxford Pre-Law Program on behalf of The Ohio State University. Sixteen students participated in the program from a number of undergraduate institutions. The College of Law now has enrolled five students who have been involved in the program during its three-year existence.

"Taking courses in Oxford is like studying in a living museum. It imparted a deeper sense that the profession I've chosen to enter is

not at all a recent development. One feels its deep roots in history," commented **Todd Palmer**, '90, one alumnus of the program currently enrolled in the College of Law.

Professor Fink initiated the program at Oxford in 1985. The courses offered this summer were Development of Anglo-American Law and a seminar on Current Problems in Anglo-American Law in conjunction with the Oxford Centre for Socio-Legal Studies. This association has aided the development of other Ohio State programs with Oxford.

Student Achievements Recognized

Today's students are tomorrow's colleagues. Thus, the 1987 Alumni Return Luncheon was the occasion to present some of the College's outstanding students and their achievements. It was an opportunity to congratulate accomplishments and to recognize the importance to the College of various awards and scholarship programs. Some of these awards are given by the College and some by others throughout the country.

Five first-year students received Ohio Board of Regents Scholar Awards, a new program based on competitive applications from the entire state. The five are **Maryanne Becka**, a *summa cum laude* graduate of Notre Dame University from Cleveland; **Lori Black**, a *magna cum laude* graduate of Miami University from Worthington; **Dimitrios Pousoulides**, a *magna cum laude* Wittenberg graduate from Canton; **Michelle Whipple**, from Ashland and a *summa cum laude* Ashland College graduate; and **James Yates**, from Parma, a *summa cum laude* graduate of the University of Dayton.

The Dean's Scholar Award, a new merit award designated by the faculty and administration, has been given to two entering students. **Dean Lenzotti**, from Seven Hills, a *summa cum laude* graduate of the University of Akron, and **Michelle Whipple** are the first Dean's Scholars.

A number of students received awards based on their activities during the past academic year. Some of those students were introduced at the luncheon.

Two awards recognize leadership among peers. The Donald B. Becker Award is given to second-year students demonstrating leadership and scholarship. The most recent recipients are **Dan E. Belville**, a Bowling Green graduate and former high school teacher and Delaware City Council member who was elected SBA president at the end

of his second year, and **Eugene Hollins**, a Vanderbilt graduate and former youth minister from Marietta, currently Planning Editor of the *Ohio State Law Journal*.

The John R. Moats Memorial Award, given to the student best exemplifying leadership qualities during the year was awarded to **Jay B. Carter**, a Stanford graduate who spent several years in banking and insurance before coming to Ohio State where he was elected SBA president at the end of his first year.

Each year several Moot Court awards are given. The Donald B. Becker Outstanding Oralist Award for a second-year student was given to **Judith French-Berry**, a two year member of the National Moot Court team. The first-year Moot Court program has both writing and oralist awards. **John Landolfi** won the Frank & Gertrude Strong Award for Best Brief and **Philomena Dane**, a West Publishing Company academic achievement award recipient, was the first-year Best Oralist awardee.

One student was recognized for his outstanding achievements both in the classroom and on the diving board. Six-time All-American Diver **Michael Wantuck** has received an NCAA postgraduate scholarship based on athletic and academic achievement.

The College recognizes excellence in academics as demonstrated by class standing. Second-year student **Michael Dubetz** was honored for

being first in his class after his first year. **Bernadette Bollas**, who has already received a number of Moot Court, Law Journal, and academic achievement awards and who serves as Editor-in-Chief of the *Ohio State Law Journal*, was acknowledged as outstanding scholar and first in her class at the end of her second year as she had been after her first year.

One of the Centennial Campaign goals, along with enhancement of the physical plant and library resources, is the increase in scholarship endowments. Today's costs and the competition for the best law students make this program essential so Ohio State can continue to attract students of the caliber honored at the Annual Return luncheon. One donor who has manifestly acknowledged the importance of support for scholars is **Mary Evans Eyerman**. Through the Evans Scholarships in honor of her father, **Mark S. Evans**, a 1927 graduate of the College of Law, Mary Eyerman has helped students earn a legal education for the past eleven years. At the luncheon Mary Eyerman, a journalism graduate from Ohio State, and her husband, Thomas, a graduate of the OSU School of Architecture, awarded the first annual Mark S. Evans Award of Merit to **Bernadette Bollas**.

Congratulations to all of these students whose abilities and energies will honor the profession for years to come.



Tom and Mary Eyerman with first Evans Award recipient, Bernadette Bollas, center

300th Commencement Honors Five

The University's 300th Commencement exercises, held on June 12, 1987, were a grand occasion on which forty alumni of the university, five of whom are graduates of the College of Law, were celebrated as representative of "Ohio State's greatest contribution to society—our alumni." President Edward Jennings continued the recognition of these distinguished individuals by noting that "Ohio State's excellence is manifest in the achievements of our alumni—who have learned from our faculty, worked with our staffs, and—through their diversity and commitment to excellence—represent the enduring mission of The Ohio State University."



Lloyd Brown

Lloyd Odum Brown has held several public offices, including Associate Justice of the Ohio Supreme Court. Currently he is an attorney practicing in Cleveland and a member of the Ohio Board of Regents. He received both his B.A. degree in political science and his J.D. in 1955.

Arthur D. Herrmann is chairman and director of BancOhio National Bank in Columbus. He currently chairs Ohio State's College of Humanities Advisory Board. He received his B.A. degree in history in 1947 and his J.D. in 1949.

Joan M. Krauskopf is a (former) Professor of Law at the University of Missouri in Columbia, specializing in family law and legal issues of the elderly. She received her J.D. in 1957.

Howard M. Metzenbaum, of Cleveland, is a United States Senator from Ohio. He received his B.A. degree in arts and sciences in 1939 and his I.D. in 1941.



Howard Metzenbaum

Thomas J. Moyer is Chief Justice of the Ohio Supreme Court. He has been the judge of the 10th District Court of Appeals. He received his B.A. degree in political science in 1961 and his J.D. in 1964.



Thomas Moyer

Order of the Coif

On September 18, 1987, The Ohio State University Chapter of the Order of the Coif elected 21 students from the 1987 graduating class to The Order of the Coif. We all extend our heartiest congratulations on this national acknowledgment of their fine achievements. The new members and their present affiliations, if known, are:

Jeffrey Paul Boeckman — Baker & Hostetler, Columbus; **Jeffrey H. Donelson** — Hansell & Post, Atlanta; **Mary Suzanne Duffey**; **Andrew A. Folkerth** — Bricker & Eckler, Columbus; **Lisa Ann**

Garono — Whyte & Hirschboeck, Milwaukee; **Calvin P. Griffith** — Jones, Day, Reavis & Pogue, Columbus; **Laurel Broida Hartshorn** — Buchanan & Ingersoll, Pittsburgh; **Donn Hubert Herring, Jr.** — Gallop, Johnson & Neuman, St. Louis; **Laura Dicola Kulwicki**; **David Edward Ledman** — Benesch, Friedlander, Coplan & Aronoff, Cleveland; **Douglas R. Matthews** — Clerk, Judge Joseph P. Kinneary, U.S. District Court, Southern District of Ohio; **Bonnie Irvin O'Neil** — Thompson, Hine & Flory, Columbus; **Nancy Paine Sabol** — Jones, Day, Reavis &

Pogue, Columbus; **James M. Snyder** — Skadden, Arps, Slate, Meagher & Flom, Chicago; **Ricky David Sonkin** — Baker & Hostetler, Cleveland; **Timothy F. Sweeney** — Clerk, Judge Nathaniel Jones, U.S. Court of Appeals, Sixth Circuit, Cincinnati; **James M. Underwood** — Clerk, Judge Jerry Buchmeyer, U.S. District Court, Northern District of Texas; **Michael Stefan Urban** — Amer, Cunningham & Brennan Co., Akron; **Mark Edward Vannatta** — Vorys, Sater, Seymour & Pease, Columbus; **Elizabeth M. Watkins** — Vorys, Sater, Seymour & Pease, Columbus.

'87 Alumni Elections



National Council Chair, Jack Davis, talking with students

National Council Expanded

At the spring meeting of the National Council of the College of Law Alumni Association seven new members were elected to unexpired and five-year terms: **Lloyd O. Brown**, '55, Cleveland; The Honorable **Peggy L. Bryant**, '76, Columbus; **John D. Liber**, '63, Cleveland; **Stanley B. Schwartz, Jr.**, '47, Columbus; **William A. Shenk**, '68, Columbus; **James M. Tuschman**, '66, Toledo; and **Charles E. Welch**, '51, Wilmington, DE. Members reelected to five-year terms were: **Robert W. Briggs**, '66, Akron; **Marshall Cox**, '59, New York, NY; **Robert M. Duncan**, '52, Columbus; **Melodee S. Kornacker**, '79, Columbus; **John H. Lahey**, '72, Columbus; **Paul M. Smart**, '53, Toledo; **David A. Ward**, '58, Toledo; **Paul F. Ward**, '39, Columbus; and **Ronald J. Zeller**, '67, Miami, FL. Members retiring from the Council were **Robert L. Balyeat**, '52, Lima; **Norman W. Shibley**, '49, Cleveland; and The Honorable **William K. Thomas**, '35, Cleveland. The Council acknowledged special appreciation for their valued services and contributions. The National Council is currently composed of 64 members.

Law Alumni Association: 1987-88

Robert J. Watkins, '53, Cincinnati, was elected president-elect and **Benjamin L. Zox**, '62, Columbus, was elected secretary. **Betsey B. Case**, '68, Columbus, is serving as president of the Association.



National Council members in action

Alumnotes

'25 Harry Schwartz and his legal career were featured in a *Columbus Dispatch* article. After many years in his family's hide business, Schwartz returned to the practice of law in 1978, when he began working for the Columbus City Attorney's office. Schwartz is now in practice with Myron Schwartz.

'27 Blanche H. Kingsland of Winter Park, Florida attended the 300th commencement exercises of The Ohio State University in June as an unofficial representative of the law school class of 1927. She is retired from the firm Kingsland, Henry & Associates.

Carter Kissell has written a book for young adults about John Marshall and the Constitution. A copy of the book is included in the Law Library's permanent collection.

'35 William K. Thomas will be retiring this year after 21 years on the federal bench. A United States District Court Judge for the Northern District of Ohio, Thomas has gained a reputation for knowledgeable and evenhanded adjudication.

'37 William H. Brooks retired from his position as Deputy Chair of the Public Utilities Commission of Ohio in November. He was appointed to the Commission in 1983 by Governor Richard Celeste and was instrumental in the resolution of many utility issues relating especially to senior citizens.

Mac Lee Henney was honored by the Columbus Bar Association for 50 years of legal practice. Henney is of Counsel to the firm Robins, Preston & Beckett Co., L.P.A. and is a practitioner of corporate, tax and employment benefit law.

Wilbur Jones, William P. Lewis, Robert C. Potts, and William Schmidt, all Partners with the firm Crabbe, Brown, Jones, Potts & Schmidt were honored this year by the Columbus Bar Association for 50 years of service in the practice of law.

David M. Postlewaite also received accolades from the Columbus Bar Association for 50 years in the practice of law. He is a Partner in the Columbus law firm Postlewaite, O'Brien & Mann.

'42 William J. Lohr is President of Victoria Park, Inc., a preschool and kindergarten in Columbus. He will soon be a resident of the sunshine state, when he moves to Siesta Key, near Sarasota.

'50 Raymond P. Cunningham was elected President of the Columbus Bar Foundation on October 14 for a one-year term to be followed by a two-year term as trustee. He is a Partner with the Columbus office of Arter & Hadden.

'52 Robert M. Duncan was elected to the board of Nationwide Investing Foundation, a trust issuing shares in four mutual funds. He joined Jones, Day, Reavis & Pogue as a Partner following his resignation from the federal bench.

Roy J. Galliland retired from the Jackson County Municipal Court bench in September of this year. He is now Senior Partner in the law firm Galliland & Galliland.

William A. Lavelle is President and Senior Partner for the firm Lavelle, Carson, Lavelle & Lavelle, in practice with his two sons. He is also Chairman of the State Personnel Board of Review and Member of the Council of Delegates, 17th District, Ohio State Bar Association.

Arthur M. McGory, Jr. is a Judge of the Erie County Court in Milan, Ohio. He has received, to date, nineteen Superior Judicial Performance Awards from the Supreme Court.

Melvin L. Resnick is a Judge of the Lucas County Court of Common Pleas. He has won numerous judicial awards from the Supreme Court and the Ohio Academy of Trial Lawyers. He has been voted Best Judge by the Toledo Bar Association for three straight years.

'54 John M. Adams is delighted that his sons, John, Jr. and William, have followed their father, grandfather Harold, and great-uncle Lou into the practice of law, making it three generations of practicing Adamases. 1954 Classmate Adams is a Partner at Porter, Wright, Morris & Arthur and is a Fellow of the American Trial Lawyers, the Ohio State Bar Foundation and the American Bar Foundation. He is a Past President of the Columbus and Ohio State Bar Associations and the Lawyers Club of Columbus. He is also a Director of Ohio Bar Liability Insurance Company and a Trustee of Ohio Law PAC.

Barry Levey has been appointed to the Ohio House of Representatives to complete the term of Donald E. Lukens. He is returning to the General Assembly, having served in the House from 1962 to 1970. He is a Partner in the Cincinnati firm Frost & Jacobs.

'56 Robert A. Butler received a Bar Service Medal from the Columbus Bar Association in June. The medal is awarded to attorney-bar members who have shown a history of distinguished service to the bar. Butler practices in the workers' compensation area and has drafted and testified on related legislation. He advises the Ohio Rehabilitation

Division. He is a partner in the firm Butler, Cincione, Dicuccio & Dritz.

'57 Richard L. Dimond is a sole practitioner in Columbus in the real estate and probate areas. He devotes much of his free time to travel, intending to "see the rest of the world not already visited." He was in Hong Kong this fall.

John A. Hoskins is a representative for the Food and Agriculture Organization of the United Nations. He administers the agricultural and technical aspects of the program. He is currently located in Dhaka, Bangladesh.

'59 Peter Rosato is a Judge in the Westchester County Court in White Plains, New York.

Leonard Sigall is a labor lawyer with his own practice in Reynoldsburg. He is also a Professor at Franklin University. He enjoys entertaining and visiting with his eight children and eight grandchildren.

Stuart A. Summit received the National Associate of the Year award from the Boys Clubs of America. The award recognizes outstanding achievement among volunteers for the Boys Clubs. Summit is Senior Partner of Summit, Rovins & Feldesman in New York City and chairs its Litigation Department.

Joseph Waterman traveled to China as part of a delegation addressing trade and investment policies, regulations, and laws. He is the President and CEO of Strategic Metals Internationale of Tucson, Arizona.

'62 Josiah H. Blackmore was named Capital University's interim President by the university's Board of Regents. He is expected to remain in the position until spring of 1988. He has been Dean of Capital's Law School since 1979. He was also appointed Noel F. George/Baker Hostetler Professor of Law at Capital University Law School in August, 1987. Blackmore is a member of the American Law Institute and Past Chairman of the Board of Trustees of the Ohio State Bar College.



Columbus Bar Association '86-'87 President, Ben Zox, '62, presenting the Community Service Award to Ron Cook, '70, at CBA Law Day Luncheon

Benjamin L. Zox, a Partner at the Columbus firm Schottenstein, Zox & Dunn, stepped down from his position as Columbus Bar Association President. Some of the projects undertaken during his presidency were the formation of a monitoring committee for judicial election campaigns, establishment of a minority clerkship program, and Bicentennial activities. Zox was recently elected as a Trustee of the Columbus Bar Foundation.

'63 Jacob E. Davis, II has returned full time to the Columbus office of Vorys, Sater, Seymour & Pease. For about seven years, he divided his time between the Washington, D.C. and Columbus offices of the firm. He currently chairs the College of Law National Council and is a member of The Centennial Campaign Committee.

John D. Liber was presented the Spangenberg Award for distinguished service and outstanding efforts on behalf of the legal community and the citizens of Ohio by the Cleveland Academy of Trial Lawyers. He was also elected a Fellow in the International Society of Barristers and recently elected to the College of Law's National Council. Liber is a partner in the Cleveland firm of Spangenberg, Shibley, Traci & Lancione.

'65 Bruce Campbell was a recently named Bar Counsel for the Columbus Bar Association. He will concentrate his energies on ethics investigations when grievances have been filed against local lawyers. He previously served the American Civil Liberties Union as State Legal Director for Ohio.



Walker Blakey

'67 Walker Blakey, Professor at University of North Carolina School of Law, was director of the National Institute of Trial Advocacy Program in Negotiation held at North Carolina in October. He spent the summer in Columbus as a Visiting

Professor at the College, teaching Trial Practice. During the academic year 1986-87, leave took him to London, England where he continued his research at the Institute for Advanced Legal Studies at the University of London and observed trials in London courtrooms.

Craig Stewart, Partner with Carlile, Patchen, Murphy & Allison, was renovation coordinator, directing the work of architects, designers, and decorators, during the firm's recent move to 36 East Broad Street, Columbus.

'68 John DiFalco was awarded the 1986 Outstanding City Attorney award by the Colorado Metropolitan City Attorney's Association. The Association, composed of city attorneys in Colorado, presents the yearly award to a city attorney demonstrating the highest principles and actions of a professional municipal lawyer. DiFalco serves Greeley, Colorado.

Ron J. Perey has been practicing law in Seattle since graduation. He is currently in the firm Perey Langley, with his wife, Julia A. Langley. The firm concentrates its practice in the areas of personal injury and economic damage resulting from negligence.

Dennis A. Schulze recently announced the formation of a law firm in Marysville, Ohio, Schulze, Bruder & Phillips. The other partners in the firm are **Susan M. Bruder**, '83 and **David S. Phillips**, '84.

'69 Robert F. Howarth has joined the Columbus office of Baker & Hostetler as a Partner. He will serve the firm as liaison between clients of the firm and local, state, and federal governments.

Jack R. Pigman recently conducted a seminar on Creditors' Rights and Protection of Secured Interests in Bankruptcy, along with **Frederick R. Reed**, '73. Pigman is a Partner at Porter, Wright, Morris & Arthur.

'70 Robin E. Phelan saw his article "Slick Move by Texaco" published in the June 1987 edition of the *International Financial Law Review*. The article concerns Texaco's bankruptcy reorganization petition. Phelan is a Partner with the firm Haynes & Boone in Dallas.

James Readey received an award from Willamette University's Center for Dispute Resolution for his work initiating the Settlement Week project of the Columbus Bar Association. The project has garnered national attention and Ready, **Harold Paddock**, '73, and other organizers are now working on a National Settlement Week concept. Readey is a

Partner with Bricker & Eckler in Columbus and Past President of the Columbus Bar Association.

'71 Ross M. Shepard was reelected President of the Oregon Criminal Defense Lawyers Association. Shepard is the Public Defender for Lane County (Eugene) Oregon. He and his wife, Betsy, recently returned from a tour of Australia and New Zealand with the Ohio State University Rugby Football Club.

'73 Mary Jane Goldthwaite was promoted to the position of Chief Administrative Officer of ChemLawn Corp. She will also continue as Vice-President-General Counsel and Corporate Secretary of the corporation.

Harold D. Paddock, II was given a special dispute resolution award by the Columbus Bar Association this year. Paddock, Chief Referee for the Franklin County Court of Common Pleas, is one of the organizers instrumental in the Columbus Bar Association's proposal for a National Settlement Week.

Frederick R. Reed, Partner in the Columbus office of Vorys, Sater, Seymour & Pease, and **Jack R. Pigman**, '69 taught a one-day seminar on Creditors' Rights and Protection of Security Interests in Bankruptcy.



Bill Grim, '74, after a round of golf at the Buckeye Swing

'74 Dennis D. Liston is a Partner with the Columbus firm McNamara & McNamara, concentrating his practice in the areas of fidelity and surety law.

Steven R. Schmidt was elected President of the Louisville, Kentucky Ohio State University Alumni Club for the 1987-88 year. He is a Partner in the firm of Brown, Todd & Heyburn in Louisville.

'75 Barbara Scott Bison is now with Graydon, Head & Ritchey in Cincinnati.

Norah McCann King was the keynote speaker at the symposium "Women and the Law" at Mount de Chantal Visitation Academy in Wheeling, West Virginia. King is the United States Magistrate for the Southern District of Ohio.

'76 Henry Arnett, who might sometimes wish he were in the Virgin Islands, is actually in Columbus in a new labor law practice with **John Livorno**, '71, under the name of Livorno & Arnett.

Marshall Bell, on the other hand, is truly in the Virgin Islands doing all of those wonderful things *Law Record* erroneously attributed to Henry Arnett last issue. We regret the error.

James M. Giffin was recently named Associate Executive Director of the Federal Trade Commission. His responsibilities include management of the Commission's ten regional offices and direction of the Commission's Competition Advocacy Program. In addition, he was a principal contributor to the American Bar Association Antitrust Section's publication *Horizontal Mergers: Law and Policy*.

David M. Gold is a sole practitioner in Monticello, New York. He has continued his pursuit of higher education, earning his Ph.D. in History from OSU in 1982.

David C. Penzone has been promoted to the position of Managing Partner in the Columbus office of Touche Ross & Co.

Thelma Thomas Price opened a new law office in Columbus in April.

'77 Charles J. Eades, Jr. is a Partner in the firm Lyell & Jackson of Nashville. He is a litigator and lobbyist to the Tennessee legislature for, among others, the Tennessee Bar Association.

Kenneth J. Kies has joined the Washington, D.C., office Baker & Hostetler as a Partner. He will practice primarily in the area of federal tax law and will be Coordinator of Baker & Hostetler's Washington tax practice.

Woodford G. Rowland is an attorney with his own law firm in San Rafael, California. His areas of concentration are tax and business. He is also an Adjunct Professor at Golden Gate University Graduate Tax School.

Nancy L. Sponseller is a Partner in the new firm of Sponseller & Segal, founded with **Benjamin E. Segal**, '79.

'78 K. Stuart Goldberg has been appointed Palm Beach area House Trial Counsel for Nationwide Insurance Companies. He lives in Royal Palm Beach with his family.



Susan McNalley and David Williamson, both '78, sharing a laugh with Art Marianelli, '67, at breakfast before the OSBA Annual Meeting

Richard J. Remley, an attorney with the Human Resources Department of the Chevron Corporation, lives in San Francisco, California.

'79 William R. Grovers has become a Partner in Martin, Browne, Hull & Harper in Springfield, Ohio.

Nancy Suzanne Higgins, an attorney with the Interstate Commerce Commission and a member of the College of Law National Council, recently married fellow Interstate Commerce Commission attorney Bernard O'Malley in Washington, D.C.

Daniel T. Marshall moved to Anaheim, California to accept a new job with Rockwell International. He will be involved primarily in contract administration.

Benjamin E. Segal founded the new firm of Sponseller & Segal in Dublin, Ohio with **Nancy L. Sponseller**, '77.

Carol A. Seubert was named Director of Tax Operations for the Columbus office of Touche Ross & Co. in September. She is a member of the American Institute and Ohio Society of CPAs and the Tax Committee of the Columbus Bar Association.

John Michael Stephen is a partner with Porter, Wright, Morris & Arthur in Columbus, practicing in the areas of labor and employment law. In addition, he is an Adjunct Professor of employment discrimination law at The Capital University Law Center.

'80 Barbara A. Belville is an attorney with the American Electric Power Corporation. She is also on the Advisory Council of the Ohio Wesleyan University Center for Economics and Business.

Gerry W. Beyer was promoted to Professor of Law at St. Mary's University School of Law. He teaches courses in Wills and Estates, Trusts, Commercial Paper, and Secured Transactions. He also chairs the Faculty Law Journal and Board of Advocates Committees.

David K. Conrad is a partner with Bricker & Eckler in Columbus. He practices in the real estate area.

Stephen Eyen is an attorney at the Columbus firm of Lane, Alton & Horst, responsible primarily for business and commercial law, with a special emphasis in securities. He is also the Treasurer of the Harvard Club of Central Ohio and Commissioner of the Columbus Lawyers Basketball League.

Eileen S. Goodin is a Partner at Barkan & Neff in Columbus where she is the manager of the Social Security disability section.

Richard E. Jacobs is now with Mead Data Central, Inc. in Dayton.

Michael D. Juhola is the Assistant Director of the Ohio Legal Center Institute where he develops and administers programs of continuing education. He married Denise A. Howes in May of this year.

Scott Lavelle is Chief of the Charitable Foundations section of the Office of the Ohio Attorney General. He is responsible for regulation and registration of charitable activities in Ohio. He and his wife, Shawn, have two children, Caitlin and John.

Carol Peritt Lindstrom is Senior Attorney with the Rural Legal Aid Society in Eaton, Ohio. She is also Vice-President of the Miami Association of Women Attorneys and Trustee of the Preble County Bar Association. She just completed a new home in Springboro.

Carolyn S. Melvin, counsel for BancOhio National Bank in Columbus, served as Chairman of the Columbus Bar Association Membership Committee and Merit Selection Committee and as Co-Chairman of the Bicentennial of the Constitution Committee.

Thomas C. Montgomery is Corporate Counsel and Secretary for the Celina Group in Celina, Ohio. He manages company litigation and ensures compliance with SEC regulations and state insurance laws. He was appointed to the ABA Committee on Corporate Counsel. He enjoys traveling extensively, having been to Africa, the Soviet Union, Europe, and the Orient. He is "planning to go trekking in Nepal next year." He completed the Indianapolis Marathon last year.

Raymond Clifford Odom is Tax Counsel for the Northern Trust of Chicago, Illinois. He drafts internal legal opinions on estate, gift, and personal tax matters. He and his wife, Joan, have four children.

Michael K. Ording is practicing law with Jones, Day, Reavis & Pogue in Dallas.

Lawrence T. Piergallini is a Partner in

general practice with Sommer, Solovan & Piergallini Co., L.P.A. in Martins Ferry, Ohio. He and his wife, Carolyn, have one son.

Marsha Rockey Schermer is Legal Director for the Public Utilities Commission of Ohio. She is the Chief Administrative Law Judge and provides legal advice to the Commission. She is involved on the Public Utilities Committee of the Ohio State Bar Association and chairs the Interprofessional Committee of the Columbus Bar Association. She is also a "small-time runner, not fast but steady."

Joseph J. Van Heyde, II is associated with Baker & Hostetler. He handles ERISA and employee benefit work in the Columbus office. He and his wife, Patti, have one son.

Douglas L. Williams, II, corporate defense lawyer with Schwartz, Kelm, Warren & Rubenstein in Columbus, was featured in a story concerning employee defamation suits in the May 1, 1987 ABA Journal. Williams expressed employers' concerns regarding a recent decision which holds employers liable for defamation when former employees are fired because of false charges of bad faith and prospective employees are told of the circumstances.

Martin J. Witherell is a Partner with Fuller & Henry in Toledo. He is associate coordinator of the recruiting committee. He is also a member of the Toledo Bar Association Grievance Committee.

'81 Keith Bartlett is now Counsel to the Administrative Director of the Ohio Supreme Court. He will be responsible for analyzing disqualification affidavits and acting as liaison to various court committees. He is also Adjunct Instructor at the College of Law, teaching legal writing, and is a member of the Robert B. Elliott Law Club.

Thomas M. Crews is the President of Retail Enterprises, Inc., which owns and operates Steak Escape restaurants in Southern California.

'82 Brenda Born Abele is a Special Investigator with the Ohio University Police Department in Athens. She investigates criminal infractions and coordinates court proceedings, training and administrative duties. She and her husband have one son.

John B. Albers announces the relocation of Albers Law Offices to 88 North Fifth Street in Columbus.

Gordon A. Arnold is an Associate with Gordon, Feinblatt, Rothman, Hoffberger & Hollander in Washington, D.C. He is concentrating his practice in real estate development and real estate finance.

Pamela Addison Barker is Claims

Attorney for Progressive Insurance. She and her husband, Jeffrey, had their first child in March.

Pamela Bertram, Associate with Luper, Wolinetz, Sheriff & Neidenthal in Columbus, concentrates in the areas of domestic law and collection/commercial litigation.

Cathy Blackburn has joined the faculty of the University of Louisville School of Law in Louisville, Kentucky.

Vence L. Bonham, Jr. is university attorney for Eastern Michigan University in Ypsilanti, Michigan.

Bethany R. Boyd has become Counsel for Columbia Natural Resources, sister company of Columbia Gas. She is an avid whitewater rafter and kayaker and is experimenting in helicopter skiing.

Jeffrey D. Boyd is an Associate with Lane, Alton & Horst in Columbus. He and his wife have two sons.

Kenneth A. Campbell, Jr. is a Partner with Bill, Campbell, Chard & McNeil in South Carolina. He and his wife have two children.

Russell Cohen is Research Associate with the Program on Public Space Partnerships at Harvard University. His research concerns land conservation, revitalization, and management. He recently returned from a year spent traveling around the world, including four months in New Zealand.

Laurie Wayt Danis is Deputy Superintendent of the Dayton Correctional Institution. She manages all of the inmate training, industrial, and educational programs.

Douglas E. Duckett is Personnel Director and Labor Counsel for Butler County, Ohio. His responsibilities include labor negotiations, civil service and labor-related litigation, and personnel administration.

Todd R. Emoff is self-employed as a commodity futures trader in the Chicago Mercantile Exchange. He was married in August of this year.

Barbara Florez is associated with White, Getgey & Meyer, Co., L.P.A. in Cincinnati. She concentrates in the area of workers' compensation law. She and her husband, **Michael Florez**, have one son.

Louis A. Goodman is an Associate of Ronald A. Lebowitz, P.C. in Phoenix, Arizona. He is the President of the OSU Alumni Club of Phoenix.

Donald W. Gregory is an Associate with Emens, Hurd, Kegler & Ritter. He and his wife, **Janet Kottman-Gregory**, a labor relations specialist with the Ohio School Board Association, had their first son in December.

Kim M. Halliburton is a sole practitioner in Columbus. She recently completed her M.A. in English Literature and intends to begin her doctoral work.

Barbara L. Hinske is affiliated with Lancy, Scult & McVey, P.A. in Phoenix. She married Richard C. McDugald, a fellow attorney, in June 1986.

Joel K. Jensen is an Associate in the litigation department of Paxton & Seasongood, Cincinnati. He married Dr. Susan Kramer in 1985 and they now live in Fort Wright, Kentucky.

Janice Judge Janis is associated with Vorys, Sater, Seymour & Pease with responsibilities in the labor law area. She married T. Andrew Janis in April 1987.

Donald R. Knight is an attorney with H.E. Carleno & Associates, P.C. of Littleton, Colorado. He and his wife, Lynne, had their first child in March.

Beth Frailey Krishtalka is an Associate of Reed, Smith, Shaw & McClay in Pittsburgh in the Employee Benefits Group. She married Leonard Krishtalka, a paleontologist, in June 1986 and they spent their honeymoon in Northern Kenya.

David K. Liberati is an Associate with the law firm of Sommer, Solovan & Piergallini in Martins Ferry, Ohio.

Suzanne Kramer Lucci is an Associate with Murray & Murray in Palo Alto, California, working in the bankruptcy area. She is involved with the Community Focus Team Junior League of San Jose and is Co-Chair of Woman to Woman, an alcohol awareness project.

Anita Pope Lunn is Staff Attorney for the Ohio Legislative Service Commission and works with the Ohio House Agriculture and Natural Resource Committee drafting legislation and doing research.

Steven M. Magas is with Carroll, Bunke, Henkel, Haverkamp & Smith in Cincinnati. He and his wife just purchased a home in Westwood, Ohio.

Bennett A. Manning is newly associated with the firm Riley, Ucker & Lavinsky Co., L.P.A. of Columbus.

Marilyn Leigh McConnell is a Partner in the Columbus firm of Coyner & McConnell.

Stephen E. Meagher is General Counsel for the Ohio Department of Natural Resources.

Douglas S. Morgan is an Associate with Simpson, Thacker & Bartlett of Columbus. His area of concentration is corporate practice.

Michael M. Schmidt, with Schottenstein, Zox & Dunn, Columbus, specializes in health care law. He chairs the Columbus Bar Association Health Law Committee and is President and Trustee of Columbus,

Incorporated, a charitable organization.

Ronald J. Snyder left his position at Procter & Gamble Co. to become an Associate with the Cincinnati firm of Frost & Jacobs in the Patent, Trademark, and Copyright Department.

Matthew L. Steimel is an Associate with Willkie, Farr & Gallagher in New York, practicing in the area of corporate finance.

Marti D. Stein is an Associate specializing in real estate law with O'Melveny & Myers in Newport Beach, California. She married J.J. Little, a litigator with Rutan & Tucker, in June.

Bruce L. Stout is associated with Huddleston, Bolen, Beatty, Porter & Copen of Huntington, West Virginia, where he specializes in probate and estate planning. He serves on the Board of Directors of Big Brothers/Big Sisters and is Vice-President of the Huntington Estate Planning Council.

Carol L. Tenyak was promoted to Assistant Vice-president at LaSalle National Bank in Chicago. She is currently enrolled in the MBA program at Northwestern.

David N. Ventker is Assistant Officer-in-Charge and Senior Trial Counsel with the Judge Advocate General's Corps of the United States Navy. He is stationed at the U.S. Naval Air Station in Sigonella, Sicily, and is Navy prosecutor for the geographic region between Scotland and Bahrain. He is married and has two children.

David A. Wagner is Assistant Staff Judge Advocate with the United States Navy Judge Advocate General's Corps stationed in Virginia Beach, Virginia. He is Flag-Staff Legal Advisor, reviewing courts-martial and mishap investigations. He was recently awarded the Navy Achievement Medal for sustained superior performance.

W. Samuel Wilson is Of Counsel with Scott, Koblenz & Binau, concentrating in the areas of insurance, probate, and personal injury law. He is coauthor of two papers, "Subrogation Revisited" and "Wrongful Death — Who Gets What and When?" presented at recent insurance law seminars.

Patricia Anne Woods is an Associate with Shearman & Sterling in New York. Her responsibilities include international corporate and finance law. She was married to Richard E. Anderson in May of 1987.

'83 Susan M. Bruder has recently gone into practice in the Marysville, Ohio area with the law firm Schulze, Bruder & Phillips. Co-founding partners

are **Dennis A. Schulze**, '68 and **David S. Phillips**, '84.

Richard Knieth was recently honored with a Blumenthal Scholarship, based upon outstanding potential, from Queens Presbyterian College for Women in Charlotte, N.C. He is a labor relations attorney for Gold Bon Building Products in North Carolina.

Jennifer Bacon Miller was promoted to Assistant Vice-president at Commonwealth Land Title Insurance Company in Philadelphia. She is Assistant Counsel in the Claims Department.

Paul T. Hoying is employed by Southeast Holding Company in Charlotte, North Carolina. He is also a part-time instructor at Queens Presbyterian College for Women and is enrolled in the MBA program at the College.

David S. Phillips is in practice in Marysville, Ohio in the firm Schulze, Bruder & Phillips, along with other College of Law alumni **Dennis Schulze**, '68 and **Susan M. Bruder**, '83.

Neil P. Stern is an Associate in the firm Loner, Murchin, Dombron & Becker in Chicago,

'85 Sean Andrew Herrington is a corporate and securities attorney for Kahn, Kleinman, Yanowitz & Arnson in Cleveland. He married **Amy Alice Reidenbach**, '86 in March 1987.

'86 David P. Dureska is an Associate of Sand & Hudak in Canton, Ohio. He currently engages in the practice of trademark and copyright law.

David L. Fish is a Clerk for United States Tax Court Judge Joel Gerber in Washington, D.C.

Michael A. Nieset has joined the firm of Evans, St. Clair & Kelsey in Columbus.

Amy Alice Reidenbach, domestic relations attorney with the Cleveland firm of Alice Rickel and Associates, married **Sean Andrew Herrington Bowen**, '85 in March.

'87 Allen H. Y. Leong was admitted to the Hawaii Bar on October 23, 1987. He is in practice with Arthur Andersen & Company in Hawaii.

Deborah A. Wagner has joined the firm of Evans, St. Clair & Kelsey in Columbus.

In Memoriam

The College of Law regrets to report the following deaths among its alumni: *Harold C. Powell*, '22; *John A. Staker*, '22; *Edward J. Demson*, '24; *Lawrence E. Duffy*, '25; *Richard C. Larrimer*, '25; *Lee D. Andrews*, '26; *Randall F. Fullmer*, '26; *Thomas Kearns, Jr.*, '29; *Carl B. Felger*, '30; *Joseph J. Poorman*, '30; *Samuel S. Rosenthal*, '30; *Troy A. Feibel*, '31; *Alvin H. Haulund*, '32; *David E. Morgan*, '32; *John D. Pincura*, '32; *Max Britz*, '33; *Hubert L. Nichol*, '33; *Paul V. House*, '35; *Robert J. Anglin*, '37; *Ted S. Cooper*, '37; *Frank C. Dunbar*, '37; *Joseph Freedman*, '37; *Charles W. Hayes*, '37; *Elmer E. Jacobs*, '37; *Willis Ludeman*, '37; *John M. Parks*, '37; *Howard G. Ely*, '40; *Leo Roberts*, '41; *Andrew R. Babyak*, '47; *Ben L. Pfefferle*, '49; *Bernard Bernard*, '50; *James C. Britt*, '50; *Arthur J. Prendergast, Jr.*, '50; *Clifford E. Rader*, '50; *Richard W. Phillis*, '51; *Glen H. Britton*, '52; *Ben A. Swartz*, '54; *Charles N. Myers*, '56; *C. Simeral Bunch*, '70; and *Margaret W. Pitts*, '83.

The College of Law is saddened to add to its memorial report the name of *Gay Crumpler*, special friend to many students and Circulation Librarian for more than twenty years until her 1983 retirement.

Where are They?

The college of Law has lost track of the following alumni. Any help you could give towards finding them would be very much appreciated.

Luis M. Alcalde, '80; *Larry D. Amberger*, '75; *John E. Andre*, '82; *Edmund R. Antonucci*, '37; *James F. App*, '80; *Donna Myers Arman*, '54; *Thomas D. Berry*, '74; *Charles C. Boucherle*, '80; *Thomas S. Bretherton*, '30; *David N. Brockett*, '81; *Glenn J. Browne*, '82; *John R. Burney*, '67; *John T. Burnham*, '51; *Charles E. Carter*, '57; *Thomas H. Coe*, '59; *Robert L. Cohodes*, '62; *David W. Coleman*, '80; *Tom H. Connolly*, '73; *Gary J. Crews*, '72; *Clarence J. Crossland*, '22; *Kenneth M. Cymbal*, '77; *Philip J. Dambach*, '52; *William Henry Davis*, '56; *Emanuel N. Deitz*, '31; *Robert W. Detwiler*, '76; *M. Reese Dill*, '30; *Charles T. Dillon*, '76; *Ralph F. Dixon*, '31; *William E. Downing*, '28; *Jill Driver*, '81; *Robert A. Eisenberg*, '59; *Ronald J. Endrizal*, '62; *Theodore R. Essex*, '80; *Lawrence L. Finnegan*, '56; *Howard L. Firestone*, '54; *Gerald R. Flagel*, '60; *Steven L. Frischer*, '77; *Larry G. Gettinger*, '66; *James Godbey*, '78; *Nelson L. Gordon*, '64; *Karen J. Grant*, '76; *Merle W. Grover*, '56; *Cheryl Hachman*, '70; *Ruth S. Harwitz*, '60; *George V. Hatfield*, '68; *John S. Izzie*, '71; *Margretta Jeffers*, '76; *Zilthia M. Jimison*, '77; *Newton Jones*, '51; *Karen L. Jones*, '75; *Paul Martin Jones*, '33; *Leigh A. Judd*, '82; *Julius C. Keller*, '77;

J. Daniel Kilcoyne, '61; *Dean C. Kowalchyk*, '82; *Richard J. Levin*, '77; *Howard M. Lewis*, '61; *Daniel Charles McCarthy*, '72; *David L. McClure*, '64; *William F. Manlove*, '51; *Werner L. Margard III*, '82; *Stephen Mensel*, '70; *Mark Jay Minsky*, '82; *Peter M. Mizenko*, '27; *Harley T. Morris, Jr.*, '60; *Teresa Ann Mueller*, '81; *Toni Elise Mulrane*, '81; *Charles H. Munnell*, '78; *Richard O. Nathan*, '80; *Edward B. Neuman*, '66; *Delos L. Owens*, '54; *Carol J. Perry*, '78; *Loren W. Peters*, '67; *Rollin L. Petersen*, '39; *Bartholomew E. Poindexter*, '76; *Valentine S. Pomaranski*, '51; *John Q. Porter*, '77; *Helene S. Pritchett*, '28; *Ronald A. Rappoport*, '66; *Dominic P. Renda*, '38; *George S. Roest*, '57; *John Theodore Ryan*, '64; *Stanley E. Saeks*, '66; *Gary N. Sales*, '80; *Kenneth W. Schutt Jr.*, '82; *Amy K. Segal*, '80; *David T. Sheidlower*, '85; *Joel D. Sommers*, '69; *Robert A. Strickling*, '52; *Forrest F. Thaxton*, '60; *Kenneth E. Thomas*, '48; *Ernest Henry Thompson*, '73; *Liza Toth*, '82; *Etha Paxson Urbantke*, '44; *Zolton F. Varga*, '61; *Helen C. Teague Walker*, '76; *Michael L. Ware*, '76; *J. Clyde Watson*, '53; *Robert M. Weston*, '33; *Andrew O. Whiteman*, '80; *Michael J. Wicks*, '80; *Catherine B. Wilder*, '76; *Jack Edgar Williams*, '48; *Daniel A. Williamson*, '71; *Elizabeth Bell Winter*, '29; *Joseph S. Wise*, '50; and *James E. Zinchak*, '56.

Lighter Moments



Celebration!



'87 graduates Linda Sutton, Tom Efta, and Anne Storen relaxing after the 3-day Ohio bar exam

Save the Dates

Family Day

Saturday, March 5

Law Forum Lectures

Thursday evening, March 10

Friday afternoon, March 11

National Council Meeting

Friday, April 15

Hoarding Ceremony

Sunday, May 15



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